



Political Reform Act

1999

Fair Political Practices Commission

The Commissioners of the California Fair Political Practices Commission

Commission Chair Karen Getman, before appointment in March 1999, was special counsel with the San Francisco firm of Rogers, Joseph, O'Donnell & Quinn, where she practiced political and election law and business litigation. From 1989 to 1996 she was with Remcho, Johansen & Purcell, specializing in political law and constitutional litigation. A member of the California Political Attorneys Association, Ms. Getman earned her bachelor of arts degree from Yale University and graduated cum laude from the Harvard Law School, where she was editor-in-chief of the Harvard Women's Law Journal. Ms. Getman was the recipient of a Revson Women's Law and Public Policy Fellowship, and represented pro bono the Congressional Caucus on Women's Issues while an associate at the Washington, D.C. firm of Wilmer, Cutler & Pickering. A Democrat, Ms. Getman was appointed Chairman by Governor Gray Davis. (Term expires 1-3-03.)

Commissioner William H. Deaver is a columnist and writer for the Tehachapi News and Southeast Kern Weekender newspapers. A former editor and publisher of the Mojave Desert News, Deaver has a background that includes experience in journalism, public relations, politics and law enforcement. A Kern County native, Deaver moved to East Kern in 1948 and has lived there off and on since. From 1982 to 1994, he and his wife lived in the Washington, D.C. area where he served as administrative assistant to a California congressman and as business manager and speech writer for his brother, Michael K. Deaver. He also held appointments in the administrations of Presidents Ronald Reagan and George Bush, serving as special assistant to the administrator of the Federal Railroad Administration and as executive assistant to two assistant secretaries of Labor for Occupational Safety and Health (OSHA). Deaver's final Washington appointment was as director of legislative affairs, advertising, marketing and public affairs for the U.S. Savings Bonds Division of the Treasury Department. Deaver, a Republican, was appointed by Secretary of State Bill Jones. (Term expires 1-31-01.)

Commissioner Kathleen Richter Makel is a litigation attorney in the Sacramento law firm of Taylor & Hooper. She previously served as an attorney with Diepenbrock, Wulff, Plant & Hannegan and as a clerk to California Supreme Court Justice Edward A. Panelli. Makel is a graduate of the University of California at Davis, BA in biological sciences and a Juri Doctor degree from the UCD School of Law with honors including Order of the Coif, the American Jurisprudence Award in Torts and the American Jurisprudence Award in Conflict of Laws. Ms. Makel, a Republican, was appointed by Attorney General Dan Lungren. (Term expires 1-31-01.)

Commissioner Carol D. Scott is an attorney in private practice in Los Angeles. Ms. Scott has served as counsel for several Congressional subcommittees and as a health policy specialist with the Federal Trade Commission. Ms. Scott specializes in health care law, administrative and labor law. Ms. Scott is a graduate of the University of California at Los Angeles, BA in history, summa cum laude and JD from UCLA Law School. She received a Masters degree in Health Care Administration from the Harvard School of Public Health. Ms. Scott, a Democrat, was appointed by State Controller Kathleen Connell. (Term expires 1-31-01.)

POLITICAL REFORM ACT – 1999

Introduction

This 1999 version of the Political Reform Act (the “Act”) is not an official publication of the Government Code. It has been produced for use by the public and staff of the Fair Political Practices Commission. The boldface title before each Government Code section and the histories following some sections have been added for clarity and are not part of the Act.

This 1999 version reflects changes in the law caused by a January 6, 1998, U.S. District Court decision that prohibits FPPC enforcement of Proposition 208 pending review of the measure by the California Supreme Court. The Supreme Court review was stayed pending an FPPC appeal to the Ninth Circuit Court of Appeals. On January 5, 1999, the Court of Appeals affirmed the preliminary injunction staying enforcement of Proposition 208 and returned the matter to the District Court to consider the constitutionality of all aspects of the campaign finance system in a new trial. The proponents of Proposition 208 filed a motion for rehearing, requesting that the three-judge panel reconsider its order of a new trial. Further proceedings will be delayed until the motion is decided by the Court of Appeals. Until these issues are resolved, no provision of (or regulation adopted in support of) Proposition 208 will be enforced by the FPPC.

This version of the Political Reform Act (including non-Proposition 208 legislative changes in 1996, 1997 and 1998) is the same law in effect before January 1, 1997, the effective date of Proposition 208.

Commission regulations implementing the Act are contained in the California Code of Regulations, Title 2, Division 6 (Sections 18109-18996). Commission regulations, opinions, and enforcement decisions are published by Continuing Education of the Bar. References to applicable regulations, opinions, and enforcement decisions follow each statute. These references were accurate on the date of publication, but changes may have occurred since then. Thus, the references are provided for convenience only and should not be relied upon. Opinion summaries appear in Appendix I. Enforcement decision summaries appear in Appendix II. Provisions added by Proposition 73 and subsequently declared unconstitutional appear in Appendix III. Provisions added by Proposition 208 currently not being enforced pending the appeal of the U.S. District Court decision appear in Appendix IV. In addition, Commission opinions and advice letters are available on Westlaw and Lexis-Nexis.

If you need more detailed information or have questions about the Political Reform Act, please call the Fair Political Practices Commission at (916) 322-5660. The Commission is located at 428 J Street, Ste. 450, Sacramento, CA 95814. Web site: <http://www.fppc.ca.gov>. Fax-On-Demand: 1-888-622-1151.

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Chapter 1. General.**§ 81000 - 81016**

- § 81000. Title.
- § 81001. Findings and Declarations.
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- § 81005. Campaign Reports and Statements; Where to File. [Repealed]
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- § 81008. Public Records; Inspection; Reproduction; Time; Charges.
- § 81009. Preservation of Reports and Statements.
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- § 81010. Duties of the Filing Officer.
- § 81011. Valuation of Goods, Services and Facilities; Fair Market Value. [Repealed]
- § 81011.5. Information on Statewide Petitions.
- § 81012. Amendment or Repeal of Title.
- § 81013. Imposition of Additional Requirements.
- § 81014. Regulations.
- § 81015. Severability.
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§ 81000. Title.

This title shall be known and may be cited as the "Political Reform Act of 1974."

§ 81001. Findings and Declarations.

The people find and declare as follows:

(a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;

(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;

(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;

(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and

(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

§ 81002. Purposes of Title.

The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

(b) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

History: Amended by Stats. 1980, Ch. 289.

§ 81003. Construction of Title.

This title should be liberally construed to accomplish its purposes.

§ 81004. Reports and Statements; Perjury; Verification.

(a) All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

History: Amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18427

Opinions: In re Layton (1975) 1 FPPC Ops. 113
In re Augustine (1975) 1 FPPC Ops. 69

Enforcement

Decisions: Don Jelinek, et al. 96/525 (1997)
Kevin P. Eckard, et al. 92/115 (1995)
Wilson Riles, Jr., et al. 90/813 (1995)
Leo Bazile, et al. 90/813 (1995)
Kenneth Orduna, et al. 88/364 (1991)

Joseph Montoya 88/410 (1991)

Larry Ward, et al. 87/458 (1990)

Andrew Fitzmorris/G. Bergeron/C. Bergeron 83/14 (1986)

Retailers Good Gov't Council/James Degnan 81/10 (1981)

Demo State Central - No. Div./Betty Smith 80/75 (1981)

Santa Clara No on Prop. 13 Comm. 80/13 (1981)

Seaside Citizens for Progress/James Manning 79/87 (1980)

Oscar Klee/Betty Franklin 79/58 (1980)

§ 81004.5. Reports and Statements; Amendments.

Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith.

History: Added by Stats. 1976, Ch. 1161.

§ 81005. Campaign Reports and Statements; Where to File. [Repealed]

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 415, effective July 10, 1976; amended by Stats. 1977, Ch. 1193; repealed by Stats. 1980, Ch. 289. (Reenacted as amended and renumbered Section 84215.)

§ 81005.1. Lobbying Reports and Statements; Where to File. [Repealed]

History: Added by Stats. 1977, Ch. 1193; repealed by Stats. 1979, Ch. 592. (Reenacted as amended and renumbered Section 86111.)

§ 81005.2. Statements of Economic Interests; Where to File. [Repealed]

History: Added by Stats. 1977, Ch. 1193; repealed by Stats. 1979, Ch. 674. (Reenacted as amended and renumbered Section 87500.)

§ 81006. Filing Fees Prohibition.

Except as provided in this title, no fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 81007. Mailing of Report or Statement.

When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class mail or by any other guaranteed overnight delivery service addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him or her on the date of the deposit in the mail or of receipt by that delivery service. It shall be presumed until the

contrary is established that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or received by the delivery service. Mail which is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1994, Ch. 638.

§ 81007.5. Faxing of Report or Statement.

(a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section 87100) may be faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of the applicable deadline and provided that the total number of pages of each report or statement faxed is no more than 30 pages.

(b) A faxed report or statement shall not be deemed filed if the faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).

(c) A filing officer who receives a faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.

History: Added by Stats. 1994, Ch. 638; amended by Stats. 1997, Ch. 394.

§ 81008. Public Records; Inspection; Reproduction; Time; Charges.

(a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or

identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding an election held on the first Tuesday after the first Monday in June or November in even-numbered years in the offices of Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County and Registrar of Voters of the City and County of San Francisco.

History: Amended by Stats. 1979, Ch. 531; amended by Stats. 1988, Ch. 1208.

References at the time of publication (see page 3):

Enforcement

Decisions: Douglas Kim 83/10 (1984)

§ 81009. Preservation of Reports and Statements.

(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however,

that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1979, Ch. 531; amended by Stats. 1984, Ch. 390, effective July 11, 1984; amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 81009.5. Local Ordinances.

(a) Any local government agency which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the commission.

(b) Notwithstanding Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

History: Added by Stats. 1979, Ch. 531; amended by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 542; amended by Stats. 1991, Ch. 674.

§ 81010. Duties of the Filing Officer.

With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

(a) Supply the necessary forms and manuals prescribed by the Commission;

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;

(d) Report apparent violations of this title to the appropriate agencies; and

(e) Compile and maintain a current list of all reports and statements filed with this office.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18110
2 Cal. Code of Regs. Section 18115
2 Cal. Code of Regs. Section 18363

Opinions: In re Rundstrom (1975) 1 FPPC Ops. 188
In re Layton (1975) 1 FPPC Ops. 113

Enforcement

Decisions: Morris Kyle 84/351 (1986)

§ 81011. Valuation of Goods, Services and Facilities; Fair Market Value. [Repealed]

History: Repealed by Stats. 1985, Ch. 775.

§ 81011.5. Information on Statewide Petitions.

Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer.

History: Added by Stats. 1977, Ch. 1095; (Identical to former Section 85203, repealed by Stats. 1977, Ch. 1095).

§ 81012. Amendment or Repeal of Title.

This title may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to passage in each house the bill in its final form has been delivered to the commission for distribution to the news media and to every person who has requested the commission to send copies of such bills to him or her.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

History: Amended by Stats. 1976, Ch. 883, effective September 13, 1976; amended by Stats. 1985, Ch. 1200.

§ 81013. Imposition of Additional Requirements.

Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from

complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18312

Opinions: In re Alperin (1977) 3 FPPC Ops. 77
In re Miller (1976) 2 FPPC Ops. 91

§ 81014. Regulations.

Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18312

§ 81015. Severability.

If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

§ 81016. Effective Date.

Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

Chapter 2. Definitions.

§ 82000 - 82055

- § 82000. Interpretation of This Title.
- § 82001. Adjusting an Amount for Cost of Living Changes.
- § 82002. Administrative Action.
- § 82003. Agency.
- § 82004. Agency Official.
- § 82005. Business Entity.
- § 82006. Campaign Statement.
- § 82007. Candidate.
- § 82008. City.
- § 82009. Civil Service Employee.
- § 82009.5. Clerk.

- § 82010. Closing Date.
- § 82011. Code Reviewing Body.
- § 82012. Commission.
- § 82013. Committee.
- § 82014. Conflict of Interest Code.
- § 82015. Contribution.
- § 82016. Controlled Committee.
- § 82017. County.
- § 82018. Cumulative Amount.
- § 82019. Designated Employee.
- § 82020. Elected Officer.
- § 82021. Elected State Officer.
- § 82022. Election.
- § 82023. Elective Office.
- § 82024. Elective State Office.
- § 82025. Expenditure.
- § 82025.5. Fair Market Value.
- § 82026. Filer.
- § 82027. Filing Officer.
- § 82027.5. General Purpose Committee.
- § 82028. Gift.
- § 82029. Immediate Family.
- § 82030. Income.
- § 82030.5. Income; Earned.
- § 82031. Independent Expenditure.
- § 82031.5. Independent Expenditure. [Repealed]
- § 82032. Influencing Legislative or Administrative Action.
- § 82033. Interest in Real Property.
- § 82034. Investment.
- § 82035. Jurisdiction.
- § 82036. Late Contribution.
- § 82036.5. Late Independent Expenditure.
- § 82037. Legislative Action.
- § 82038. Legislative Official.
- § 82038.5. Lobbying Firm.
- § 82039. Lobbyist.
- § 82039.5. Lobbyist Employer.
- § 82040. Lobbyist's Account. [Repealed]
- § 82041. Local Government Agency.
- § 82041.5. Mass Mailing.
- § 82042. Mayor.
- § 82043. Measure.
- § 82044. Payment.
- § 82045. Payment to Influence Legislative or Administrative Action.
- § 82046. Period Covered.
- § 82047. Person.
- § 82047.5. Primarily Formed Committee.
- § 82047.6. Proponent of a State Ballot Measure.
- § 82048. Public Official.
- § 82048.3. Slate Mailer.
- § 82048.4. Slate Mailer Organization.

- § 82048.5. Special District.
- § 82048.7. Sponsored Committee.
- § 82049. State Agency.
- § 82050. State Candidate.
- § 82051. State Measure.
- § 82052. Statewide Candidate.
- § 82052.5. Statewide Election.
- § 82053. Statewide Elective Office.
- § 82054. Statewide Petition.
- § 82055. Voting Age Population. [Repealed]

§ 82000. Interpretation of This Title.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

§ 82001. Adjusting an Amount for Cost of Living Changes.

“Adjusting an amount for cost-of-living changes” means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance corresponding to amounts authorized from the salary and price increase items as set forth in the Budget Act and other cost-of-living adjustments on the same basis as those applied routinely to other state agencies.

History: Amended by Stats. 1978, Ch. 199, effective June 6, 1978.

§ 82002. Administrative Action.

“Administrative action” means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

History: Amended by Stats. 1991, Ch. 491.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18202

Opinions: In re Evans (1978) 4 FPPC Ops. 84
In re Leonard (1976) 2 FPPC Ops. 54
In re Nida (1976) 2 FPPC Ops. 1
In re Carson (1975) 1 FPPC Ops. 46

§ 82003. Agency.

“Agency” means any state agency or local government agency.

§ 82004. Agency Official.

“Agency official” means any member, officer, employee or consultant of any state agency who as

part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18249

Opinions: In re Morrissey (1976) 2 FPPC Ops. 120
In re Morrissey (1976) 2 FPPC Ops. 84
In re Wallace (1975) 1 FPPC Ops. 118

§ 82005. Business Entity.

“Business entity” means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

§ 82006. Campaign Statement.

“Campaign statement” means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

References at the time of publication (see page 3):

Opinions: In re Layton (1975) 1 FPPC Ops. 113

§ 82007. Candidate.

“Candidate” means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. “Candidate” also includes any officeholder who is the subject of a recall election. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Section 84214. “Candidate” does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

History: Amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):

Opinions: In re Johnson (1989) 12 FPPC Ops. 1
In re Lui (1987) 10 FPPC Ops. 10

In re Juvinall, Stull, Meyers, Republican
Central Committee of Orange County, Tuteur
(1976) 2 FPPC Ops. 110

§ 82008. City.

“City” means a general law or a chartered city.

§ 82009. Civil Service Employee.

“Civil service employee” means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

§ 82009.5. Clerk.

“Clerk” refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

§ 82010. Closing Date.

“Closing date” means the date through which any report or statement filed under this title is required to be complete.

§ 82011. Code Reviewing Body.

(a) The commission, with respect to the conflict-of-interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.

(b) The board of supervisors, with respect to the conflict-of-interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county.

(c) The city council, with respect to the conflict-of-interest code of any city agency other than the city council.

(d) The Attorney General, with respect to the conflict-of-interest code of the commission.

(e) The Chief Justice or his or her designee, with respect to the conflict-of-interest code of the members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.

(f) The Board of Governors of the State Bar of California with respect to the conflict-of-interest code of the State Bar of California.

(g) The Chief Justice of California, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, with respect to the conflict-of-interest code of any agency of the

judicial branch of government subject to the immediate administrative supervision of that court.

(h) The Judicial Council of California, with respect to the conflict-of-interest code of any state agency within the judicial branch of government not included under subdivisions (e), (f), and (g).

History: Amended by Stats. 1980, Ch. 779; amended by Stats. 1984, Ch. 727, operative July 1, 1985; amended by Stats. 1985, Ch. 775; amended by Stats. 1995, Ch. 587.

§ 82012. Commission.

“Commission” means the Fair Political Practices Commission.

§ 82013. Committee.

“Committee” means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or

(c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

History: Amended by Stats. 1977, Ch. 1213; amended by Stats. 1980, Ch. 289; amended by Stats. 1984, Ch. 670; amended by Stats. 1987, Ch. 632.

References at the time of publication (see page 3):

Opinions: In re Johnson (1989) 12 FPPC Ops. 1
In re Welsh (1978) 4 FPPC Ops. 78
In re Kahn (1976) 2 FPPC Ops. 151
In re Lumsdon (1976) 2 FPPC Ops. 140
In re Cannon (1976) 2 FPPC Ops. 133
In re Masini (1976) 2 FPPC Ops. 38
In re Fontana (1976) 2 FPPC Ops. 25
In re Christiansen (1975) 1 FPPC Ops. 69
In re Augustine (1975) 1 FPPC Ops. 69

§ 82014. Conflict of Interest Code.

“Conflict of Interest Code” means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

§ 82015. Contribution.

(a) “Contribution” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the

surrounding circumstances that it is not made for political purposes.

(b) (1) A payment made at the behest of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.

(2) A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:

(A) Full and adequate consideration is received from the candidate.

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:

(i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c) (3) of the Internal Revenue Code.

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to the provisions of subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five thousand dollars (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made,

whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(C) For purposes of subparagraph (B), a payment is made for purposes related to a candidate's candidacy for elective office if all or a portion of the payment is used for election-related activities. For purposes of this subparagraph, "election-related activities" shall include, but are not limited to, the following:

(i) Communications that contain express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(ii) Communications that contain reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for elective office.

(iii) Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.

(iv) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in clauses (i), (ii), or (iii), above.

(v) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.

(vi) Preparing campaign budgets.

(vii) Preparing campaign finance disclosure statements.

(viii) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(D) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

(c) The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of

discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by an person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

(d) The term “contribution” further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

(e) The term “contribution” does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.

(f) The term “contribution” does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(g) Notwithstanding the foregoing definition of “contribution,” the term does not include volunteer personal services or payments made by an individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

History: Amended by Stats. 1980, Ch. 289; amended by Stats. 1997, Ch. 450, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18215
2 Cal. Code of Regs. Section 18216
2 Cal. Code of Regs. Section 18225.7
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18423
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.4

Opinions: In re Montoya (1989) 12 FPPC Ops. 7
In re Johnson (1989) 12 FPPC Ops. 1
In re Bell (1988) 11 FPPC Ops. 1
In re Nielsen (1979) 5 FPPC Ops. 18
In re Buchanan (1979) 5 FPPC Ops. 14
In re Reinhardt (1977) 3 FPPC Ops. 83
In re Cannon (1976) 2 FPPC Ops. 133
In re Willmarth (1976) 2 FPPC Ops. 130
In re Adams (1976) 2 FPPC Ops. 127
In re Dixon (1976) 2 FPPC Ops. 70
In re McCormick (1976) 2 FPPC Ops. 42
In re Burciaga (1976) 2 FPPC Ops. 17
In re Hayes (1975) 1 FPPC Ops. 210
In re Christiansen (1975) 1 FPPC Ops. 170
In re Cory (1975) 1 FPPC Ops. 137

§ 82016. Controlled Committee.

“Controlled committee” means a committee which is controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

History: Amended by Stats. 1983, Ch. 898.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18217
2 Cal. Code of Regs. Section 18521
2 Cal. Code of Regs. Section 18539

§ 82017. County.

“County” includes a city and county.

§ 82018. Cumulative Amount.

(a) Except as provided in subdivisions (b), (c), and (d), “cumulative amount” means the amount of contributions received or expenditures made in the calendar year.

(b) For a filer required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated shall end on the closing date of the first semiannual statement filed after the election.

(c) For a filer required to file a campaign statement in connection with the qualification of a measure which extends into two calendar years, the period over which the cumulative amount is calculated shall end on December 31 of the second calendar year.

(d) For a person filing a campaign statement with a period modified by the provisions of this section, the next period over which the cumulative amount is calculated shall begin on the day after the closing date of the statement.

History: Amended by Stats. 1976, Ch. 1106; repealed and reenacted as amended by Stats. 1980, Ch. 289; amended by Stats. 1985, Ch. 1456; amended by Stats. 1992, Ch. 405; amended by Stats. 1993, Ch. 769.

§ 82019. Designated Employee.

“Designated employee” means any officer, employee, member, or consultant of any agency whose position with the agency;

(a) Is exempt from the state civil service system by virtue of subdivision (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution, unless the position is elective or solely secretarial, clerical, or manual;

(b) Is elective, other than an elective state office;

(c) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(d) Is involved as a state employee at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed pursuant to Section 10122 of the Public Contract Code.

“Designated employee” does not include an elected state officer, any unsalaried member of any board or commission which serves a solely advisory function, any public official specified in Section 87200, and also does not include any unsalaried member of a nonregulatory committee, section, commission, or other such entity of the State Bar of California.

History: Amended by Stats. 1979, Ch. 674; amended by Stats. 1983, Ch. 1108; amended by Stats. 1984, Ch. 727, operative July 1, 1985; amended by Stats. 1985, Ch. 611.

§ 82020. Elected Officer.

“Elected officer” means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

§ 82021. Elected State Officer.

“Elected state officer” means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

§ 82022. Election.

“Election” means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

§ 82023. Elective Office.

“Elective office” means any state, regional, county, municipal, district or judicial office which is filled at an election. “Elective office” also includes membership on a county central committee of a qualified political party, and members elected to the Board of Administration of the Public Employees’ Retirement System.

History: Amended by Stats. 1998, Ch. 923.

§ 82024. Elective State Office.

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, and member of the State Board of Equalization.

History: Amended by Stats. 1991, Ch. 674; amended by Stats. 1998, Ch. 923.

§ 82025. Expenditure.

“Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. “Expenditure” does not include a candidate’s use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

History: Amended by Stats. 1997, Ch. 394.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18225
2 Cal. Code of Regs. Section 18225.4
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18423

Opinions: In re Lui (1987) 10 FPPC Ops. 10
In re Buchanan (1979) 5 FPPC Ops. 14
In re Welsh (1978) 4 FPPC Ops. 78
In re Cannon (1976) 2 FPPC Ops. 133
In re Juvinall, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Hayes (1975) 1 FPPC Ops. 210
In re Christiansen (1975) 1 FPPC Ops. 170
In re Kelly, Masini (1975) 1 FPPC Ops. 162

§ 82025.5. Fair Market Value.

“Fair market value” means the estimated fair market value of goods, services, facilities or anything of value other than money. Whenever the amount of goods, services, facilities, or anything of value other than money is required to be reported under this title, the amount reported shall be the fair market value, and a description of the goods, services, facilities, or other thing of value shall be appended to the report or statement. “Full and adequate consideration” as used in this title means fair market value.

History: Added by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Opinions: In re Hopkins (1977) 3 FPPC Ops. 107
In re Stone (1977) 3 FPPC Ops. 52
In re Thomas (1977) 3 FPPC Ops. 30
In re Cory (1975) 1 FPPC Ops. 153

Enforcement

Decisions: Oliver Speraw, et al. 80/14 (1980)

§ 82026. Filer.

“Filer” means the person filing or required to file any statement or report under this title.

§ 82027. Filing Officer.

“Filing officer” means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with him shall be signed in the original and shall be deemed the original copy.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18227

§ 82027.5. General Purpose Committee.

(a) “General purpose committee” means all committees pursuant to subdivisions (b) or (c) of Section 82013, and any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5.

(b) A “state general purpose committee” is a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.

(c) A “county general purpose committee” is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

(d) A “city general purpose committee” is a committee to support or oppose candidates or measures voted on in only one city.

History: Added by Stats. 1985, Ch. 1456.

§ 82028. Gift.

(a) “Gift” means, except as provided in subdivision (b), any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the

public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(b) The term “gift” does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed “informational material.”

(2) Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.

(3) Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

(4) Campaign contributions required to be reported under Chapter 4 of this title.

(5) Any devise or inheritance.

(6) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (\$250).

History: Amended by Stats. 1978, Ch. 641; amended by Stats. 1986, Ch. 654; amended by Stats. 1997, Ch. 450, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18727.5
 2 Cal. Code of Regs. Section 18932.4
 2 Cal. Code of Regs. Section 18940
 2 Cal. Code of Regs. Section 18941
 2 Cal. Code of Regs. Section 18941.1
 2 Cal. Code of Regs. Section 18942
 2 Cal. Code of Regs. Section 18942.1
 2 Cal. Code of Regs. Section 18943
 2 Cal. Code of Regs. Section 18944
 2 Cal. Code of Regs. Section 18944.1
 2 Cal. Code of Regs. Section 18944.2
 2 Cal. Code of Regs. Section 18945
 2 Cal. Code of Regs. Section 18945.4
 2 Cal. Code of Regs. Section 18946-18946.5
 2 Cal. Code of Regs. Section 18950-18950.4

Opinions: In re Hopkins (1977) 3 FPPC Ops. 107
In re Stone (1977) 3 FPPC Ops. 52
In re Gutierrez (1977) 3 FPPC Ops. 44
In re Thomas (1977) 3 FPPC Ops. 30
In re Nida (1977) 3 FPPC Ops. 1
In re Torres (1976) 2 FPPC Ops. 31
In re Brown (1975) 1 FPPC Ops. 677

In re Hayes (1975) 1 FPPC Ops. 210
In re Russel (1975) 1 FPPC Ops. 191
In re Cory (1975) 1 FPPC Ops. 153
In re Cory (1975) 1 FPPC Ops. 137
In re Cory (1976) 1 FPPC Ops. 48
In re Spellman (1975) 1 FPPC Ops. 16
In re Lunardi (1975) 1 FPPC Ops. 9

§ 82029. Immediate Family.

“Immediate family” means the spouse and dependent children.

History: Amended by Stats. 1980, Ch. 1000.

§ 82030. Income.

(a) “Income” means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. “Income,” other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) “Income” also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and

Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender’s regular course of business on terms available to members of the public without regard to official status if:

(A) The loan is secured by the principal residence of filer; or

(B) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from or payments received on a loan made to an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender’s regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

History: Amended by Stats. 1976, Ch. 1161; amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1977, Ch. 344, effective August 20, 1977; amended by Stats. 1978, Ch. 641; amended by Stats. 1979, Ch. 686; amended by Stats. 1980, Ch. 183; amended by Stats. 1984, Ch. 931; amended by Stats. 1987, Ch. 936; amended by Stats. 1997, Ch. 455, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18234
 2 Cal. Code of Regs. Section 18235
 2 Cal. Code of Regs. Section 18727.5
 2 Cal. Code of Regs. Section 18940

2 Cal. Code of Regs. Section 18944.2
 2 Cal. Code of Regs. Section 18946.5
 2 Cal. Code of Regs. Section 18950.3

Opinions: In re Elmore (1978) 4 FPPC Ops. 8
In re Carey (1977) 3 FPPC Ops. 99
In re Moore (1977) 3 FPPC Ops. 33
In re Hayes (1975) 1 FPPC Ops. 210
In re Brown (1975) 1 FPPC Ops. 67

§ 82030.5. Income; Earned.

(a) For purposes of this title, “earned income” means, except as provided in subdivision (b), income from wages, salaries, professional fees, and other amounts received or promised to be received as compensation for personal services rendered.

(b) Income which is not “earned income” includes, but is not limited to, the following:

(1) Any income derived from stocks, bonds, property, or other investments, or from retail or wholesale sales.

(2) Any amount paid by, or on behalf of, an elected state officer to a tax-qualified pension, profit sharing, or stock bonus plan and received by the elected state officer from the plan.

(3) The community property interest in the income of a spouse.

History: Added by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18932

§ 82031. Independent Expenditure.

“Independent expenditure” means an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

History: Formerly titled “Independent Committee.” Repealed by Stats. 1979, Ch. 779. Added by Stats. 1980, Ch. 289. (Formerly Section 82031.5.)

§ 82031.5. Independent Expenditure. [Repealed]

History: Added by Stats. 1979, Ch. 779; repealed by Stats. 1980, Ch. 289. (Reenacted as amended and renumbered Section 82031.)

§ 82032. Influencing Legislative or Administrative Action.

“Influencing legislative or administrative action” means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the

provision or use of information, statistics, studies or analyses.

References at the time of publication (see page 3):

Opinions: In re Evans (1978) 4 FPPC Ops. 54
In re Leonard (1976) 2 FPPC Ops. 54
In re Nida (1976) 2 FPPC Ops. 1

§ 82033. Interest in Real Property.

“Interest in real property” includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is one thousand dollars (\$1,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater.

History: Amended by Stats. 1978, Ch. 607; amended by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18233
 2 Cal. Code of Regs. Section 18234
 2 Cal. Code of Regs. Section 18235
 2 Cal. Code of Regs. Section 18702.3
 2 Cal. Code of Regs. Section 18702.4
 2 Cal. Code of Regs. Section 18729

Opinions: In re Overstreet (1981) 6 FPPC Ops. 12

§ 82034. Investment.

“Investment” means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds one thousand dollars (\$1,000). The term “investment” does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and

Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater. The term “parent, subsidiary or otherwise related business entity” shall be specifically defined by regulations of the commission.

History: Amended by Stats. 1978, Ch. 607; amended by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18234
2 Cal. Code of Regs. Section 18235

Opinions: In re Nord (1983) 8 FPPC Ops. 6
In re Baty (1979) 5 FPPC Ops. 10
In re Elmore (1978) 4 FPPC Ops. 8

§ 82035. Jurisdiction.

“Jurisdiction” means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. Real property shall be deemed to be “within the jurisdiction” with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

History: Amended by Stats. 1975, Ch. 499, effective September 5, 1975; amended by Stats. 1993, Ch. 769.

§ 82036. Late Contribution.

“Late contribution” means any contribution including a loan which totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election.

History: Amended by Stats. 1977, Ch. 344, effective August 20, 1977; repealed and reenacted as amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18425

§ 82036.5. Late Independent Expenditure.

“Late independent expenditure” means any independent expenditure which totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in such election.

History: Added by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116

§ 82037. Legislative Action.

“Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. “Legislative action” also means the action of the Governor in approving or vetoing any bill.

References at the time of publication (see page 3):

Opinions: In re Cohen (1975) 1 FPPC Ops. 10

§ 82038. Legislative Official.

“Legislative official” means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

References at the time of publication (see page 3):

Opinions: In re Morrissey (1976) 2 FPPC Ops. 120

§ 82038.5. Lobbying Firm.

(a) “Lobbying firm” means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(1) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity is a lobbyist.

(2) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action on

behalf of any other person, if a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing legislative or administrative action.

(b) No business entity is a lobbying firm by reason of activities described in Section 86300.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18238.5
2 Cal. Code of Regs. Section 18614

§ 82039. Lobbyist.

“Lobbyist” means any individual who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official or legislative official for the purpose of influencing legislative or administrative action, if a substantial or regular portion of the activities for which he or she receives consideration is for the purpose of influencing legislative or administrative action. No individual is a lobbyist by reason of activities described in Section 86300.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1984, Ch. 161; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18239
2 Cal. Code of Regs. Section 18601

Opinions: In re Evans (1978) 4 FPPC Ops. 54
In re Morrissey (1976) 2 FPPC Ops. 84
In re Leonard (1976) 2 FPPC Ops. 54
In re Zenz (1975) 1 FPPC Ops. 195
In re Hardie (1975) 1 FPPC Ops. 140
In re Stern (1975) 1 FPPC Ops. 59
In re McCarthy (1975) 1 FPPC Ops. 50
In re Carson (1975) 1 FPPC Ops. 46
In re California Labor Federation (1975) 1 FPPC Ops. 28
In re Cohen (1975) 1 FPPC Ops. 10

Enforcement

Decisions: John Stoops 85/252 (1986)

§ 82039.5. Lobbyist Employer.

“Lobbyist employer” means any person, other than a lobbying firm, who:

(a) Employs one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action, or

(b) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action.

History: Added by Stats. 1985, Ch. 1183, Effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18239.5
2 Cal. Code of Regs. Section 18614

§ 82040. Lobbyist’s Account. [Repealed]

History: Repealed by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 82041. Local Government Agency.

“Local government agency” means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing.

History: Amended by Stats. 1984, Ch. 727, effective July 1, 1985.

References at the time of publication (see page 3):

Opinions: In re Rotman (1987) 10 FPPC Ops. 1
In re Leach (1978) 4 FPPC Ops. 48
In re Siegel (1977) 3 FPPC Ops. 62
In re Witt (1975) 1 FPPC Ops. 1

§ 82041.5. Mass Mailing.

“Mass mailing” means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

History: Amended by Prop. 73 on the June 1988 statewide primary ballot, effective June 8, 1988; amended by Stats. 1988, Ch. 1027.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18901

Opinions: In re Welsh (1978) 4 FPPC Ops. 78
In re Juvinall, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Valdez (1976) 2 FPPC Ops. 21

§ 82042. Mayor.

“Mayor” of a city includes mayor of a city and county.

§ 82043. Measure.

“Measure” means any constitutional amendment or other proposition which is submitted to a popular

vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

References at the time of publication (see page 3):

Opinions: In re Fontana (1976) 2 FPPC Ops. 25

§ 82044. Payment.

“Payment” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18944.2

Opinions: In re Johnson (1989) 12 FPPC Ops. 1
In re Gutierrez (1977) 3 FPPC Ops. 44
In re McCormick (1976) 2 FPPC Ops. 42
In re Burciaga (1976) 2 FPPC Ops. 17
In re Cory (1975) 1 FPPC Ops. 137

§ 82045. Payment to Influence Legislative or Administrative Action.

“Payment to influence legislative or administrative action” means any of the following types of payment:

(a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;

(b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;

(d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;

(e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

References at the time of publication (see page 3):

Opinions: In re Kovall (1978) 4 FPPC Ops. 95
In re Nida (1977) 3 FPPC Ops. 1

In re Morrissey (1976) 2 FPPC Ops. 84
In re Naylor (1976) 2 FPPC Ops. 65
In re Leonard (1976) 2 FPPC Ops. 54
In re Gillies (1975) 1 FPPC Ops. 165
In re Morrissey (1975) 1 FPPC Ops. 130

§ 82046. Period Covered.

(a) “Period covered” by a statement or report required to be filed by this title, other than a campaign statement, means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which was required to be filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day on which the first reportable transaction occurred. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

(b) “Period covered” by a campaign statement required to be filed by this title means, unless a different period is specified, the period beginning the day after the closing date of the most recent campaign statement which was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):

Opinions: In re Welsh (1978) 4 FPPC Ops. 78
In re Juvinal, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Valdez (1976) 2 FPPC Ops. 21

§ 82047. Person.

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

History: Amended by Stats. 1994, Ch. 1010.

References at the time of publication (see page 3):

Opinions: In re Lumsdon (1976) 2 FPPC Ops. 140
In re Witt (1975) 1 FPPC Ops. 1

§ 82047.5. Primarily Formed Committee.

“Primarily formed committee” means a committee pursuant to subdivision (a) of Section

82013 which is formed or exists primarily to support or oppose any of the following:

- (a) A single candidate.
- (b) A single measure.
- (c) A group of specific candidates being voted upon in the same city, county, or multicounty election.
- (d) Two or more measures being voted upon in the same city, county, multicounty, or state election.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1990, Ch. 626; amended by Stats. 1991, Ch. 191; amended by Stats. 1995, Ch. 295.

§ 82047.6. Proponent of a State Ballot Measure.

“Proponent of a state ballot measure” means “proponent” as defined in Section 9002 of the Elections Code.

History: Added by Stats. 1988, Ch. 704; amended by Stats. 1994, Ch. 923.

§ 82048. Public Official.

“Public official” means every member, officer, employee or consultant of a state or local government agency, but does not include judges and court commissioners in the judicial branch of government. “Public official” also does not include members of the Board of Governors and designated employees of the State Bar of California, members of the Judicial Council, and members of the Commission on Judicial Performance, provided that they are subject to the provisions of Article 2.5 (commencing with Section 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in Section 6038 of that article.

History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985.

References at the time of publication (see page 3):

Opinions: In re Rotman (1987) 10 FPPC Ops. 1
In re Maloney (1977) 3 FPPC Ops. 69
In re Siegel (1977) 3 FPPC Ops. 62

§ 82048.3. Slate Mailer.

“Slate mailer” means a mass mailing which supports or opposes a total of four or more candidates or ballot measures.

History: Added by Stats. 1987, Ch. 905.

§ 82048.4. Slate Mailer Organization.

(a) “Slate mailer organization” means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:

- (1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.

(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:

(1) A candidate or officeholder or a candidate’s or officeholder’s controlled committee.

(2) An official committee of any political party.

(3) A legislative caucus committee.

(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.

(c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of Section 82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.

History: Added by Stats. 1987, Ch. 905; renumbered by Stats. 1988, Ch. 160.

§ 82048.5. Special District.

“Special district” means any agency of the state established for the local performance of governmental or proprietary functions within limited boundaries. “Special district” includes a county service area, a maintenance district or area, an improvement district or zone, an air pollution control district, or a redevelopment agency. “Special district” shall not include a city, county, city and county, or school district.

History: Added by Stats. 1994, Ch. 36.

§ 82048.7. Sponsored Committee.

(a) “Sponsored committee” means a committee, other than a candidate controlled committee, which has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.

(b) A person sponsors a committee if any of the following apply:

(1) The committee receives 80 percent or more of its contributions from the person or its members, officers, employees, or shareholders.

(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(3) The person alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.

(4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.

History: Added by Stats. 1985, Ch. 498; amended by Stats. 1988, Ch. 1155; amended by Stats. 1991, Ch. 130.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18419
2 Cal. Code of Regs. Section 18421.1

§ 82049. State Agency.

“State agency” means every state office, department, division, bureau, board and commission, and the Legislature.

History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18249

§ 82050. State Candidate.

“State candidate” means a candidate who seeks nomination or election to any elective state office.

§ 82051. State Measure.

“State measure” means any measure which is submitted or is intended to be submitted to the voters of the state.

§ 82052. Statewide Candidate.

“Statewide candidate” means a candidate who seeks election to any statewide elective office.

§ 82052.5. Statewide Election.

“Statewide election” means an election for statewide elective office.

§ 82053. Statewide Elective Office.

“Statewide elective office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer and Superintendent of Public Instruction.

History: Amended by Stats. 1991, Ch. 674.

§ 82054. Statewide Petition.

“Statewide petition” means a petition to qualify a proposed state measure.

§ 82055. Voting Age Population. [Repealed]

History: Repealed by Stats. 1979, Ch. 779.

Chapter 3. Fair Political Practices Commission. § 83100 - 83123

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§ 83100. Establishment; Membership.

There is hereby established in state government the Fair Political Practices Commission. The Commission shall have five members, including the chairman. No more than three members of the Commission shall be members of the same political party.

§ 83101. Appointment by Governor.

The chairman and one additional member of the Commission shall be appointed by the Governor. The Governor's appointees shall not be members of the same political party.

§ 83102. Appointment by Attorney General, Secretary of State and Controller.

(a) The Attorney General, the Secretary of State and the Controller shall each appoint one member of the Commission.

(b) If the Attorney General, the Secretary of State and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than five hundred thousand may submit to the Controller a list of not less than five persons who are qualified and willing to be members of the Commission. The list shall be submitted not less than ten days after the effective date of this chapter for the Controller's initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.

§ 83103. Terms of Office.

Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment.

History: Amended by Stats. of 1987, Ch. 624.

§ 83104. Vacancies; Quorum.

Vacancies on the Commission shall be filled, within thirty days, by appointment of the same official who appointed the prior holder of the position. The provisions of Section 83102 (b) are not applicable to the filling of vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or chairman whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board. Three members shall constitute a quorum.

§ 83105. Qualifications; Removal.

Each member of the commission shall be an elector. No member of the commission, during his or her tenure, shall hold, any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist nor, during his or her term of appointment, seek

election to any other public office. Members of the commission may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply.

History: Amended by Stats. 1986, Ch. 620.

§ 83106. Compensation; Expenses.

The chairman of the Commission shall be compensated at the same rate as the president of the Public Utilities Commission. Each remaining member shall be compensated at the rate of one hundred dollars (\$100) for each day on which he engages in official duties. The members and chairman of the Commission shall be reimbursed for expenses incurred in performance of their official duties.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18307

§ 83107. Executive Officer; Staff; Staff Compensation.

The Commission shall appoint an executive director who shall act in accordance with Commission policies and regulations and with applicable law. The Commission shall appoint and discharge officers, counsel and employees, consistent with applicable civil service laws, and shall fix the compensation of employees and prescribe their duties.

§ 83108. Delegation of Authority.

The Commission may delegate authority to the chairman or the executive director to act in the name of the Commission between meetings of the Commission.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18110
2 Cal. Code of Regs. Section 18319
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18363

§ 83109. Civil Service Classification.

For purposes of Section 18801 of the Government Code, no non-clerical position under the Commission shall be included in the same class in the civil service classification plan with any position of any other department or agency.

§ 83110. Offices; Public Meetings.

The principal office of the Commission shall be in Sacramento but it may establish offices, meet, and exercise its powers at any other place in the state. Meetings of the Commission shall be public except that the Commission may provide otherwise for discussions of personnel and litigation.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18310
2 Cal. Code of Regs. Section 18327

§ 83111. Administration and Implementation of Title.

The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

§ 83112. Rules and Regulations.

The Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission. These rules and regulations shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections 11371 et seq.) and shall be consistent with this title and other applicable law.

History: Fair Political Practices Commission v. Office of Administrative Law and Linda Stockdale Brewer, Sacramento County Superior Court, Case No. 512795 (affirmed by Court of Appeal, Third District (April 27, 1992), Case No. C010924).

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18312
2 Cal. Code of Regs. Section 18327

§ 83113. Additional Duties.

The commission shall, in addition to its other duties:

(a) Prescribe forms for reports, statements, notices and other documents required by this title;

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explaining the duties of persons and committees under this title;

(c) Provide assistance to agencies and public officials in administering the provisions of this title; and

(d) Maintain a central file of local campaign contribution and expenditure ordinances forwarded to it by local government agencies.

History: Amended by Stats. 1979, Ch. 531.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18313
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18329

§ 83114. Requests For and Issuances of Opinions; Advice.

(a) Any person may request the commission to issue an opinion with respect to his duties under this title. The commission shall, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published.

(b) Any person may request the commission to provide written advice with respect to the person's duties under this title. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the commission to provide advice within 21 days of the request or such later extended time.

History: Amended by Stats. 1976, Ch. 1080.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18320
2 Cal. Code of Regs. Section 18321
2 Cal. Code of Regs. Section 18322
2 Cal. Code of Regs. Section 18324
2 Cal. Code of Regs. Section 18326
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18329

§ 83115. Investigations; Notice.

Upon the sworn complaint of any person or on its own initiative, the commission shall investigate possible violations of this title relating to any agency, official, election, lobbyist or legislative or administrative action. Within 14 days after receipt of a complaint under this section, the commission shall notify in writing the person who made the complaint of the action, if any, the commission has taken or plans to take on the complaint, together with the reasons for such action or nonaction. If no decision

has been made within 14 days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

History: Amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18360
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18362

§ 83115.5. Findings of Probable Cause; Requirements.

No finding of probable cause to believe this title has been violated shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his right to be present in person and represented by counsel at any proceeding of the commission held for the purpose of considering whether probable cause exists for believing the person violated this title. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the commission a written request that the proceeding be public.

History: Added by Stats. 1976, Ch. 1080.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18362

§ 83116. Violation of Title.

When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

- (a) Cease and desist violation of this title;
- (b) File any reports, statements or other documents or information required by this title; and

(c) Pay a monetary penalty of up to two thousand dollars (\$2,000) to the General Fund of the state.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

History: [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18316.5
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18362

§ 83116.5. Liability for Violations; Administrative.

Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. Provided, however, that this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and that a violation of this section shall not constitute an additional violation under Chapter 11.

History: Added by Stats. 1984, Ch. 670; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18316.5

Enforcement

Decisions: State Bar of California 97/125 (1998)
Mark Thompson 92/71 (1997)
So. CA Advance Team 95/464 (1997)
Joseph C. Berry 91/18 (1996)
Oak Creek Realty, Inc., et al. 94/22 (1995)
Californians Against Corruption, et al. 93/336 (1995)
California Republican Party, et al. 93/250 (1994)
Friends Committee on Legislation of CA, et al. 92/349 (1994)
Gilbert Archuletta 93/486 (1994)
San Franciscans for Common Sense, et al. 90/928 (1993)
John Furstak 90/80 (1992)
Poway Unified School District/Robert Reeves 89/430 (1991)
Conway Collis 90/391 (1991)
Miller/Roos & Company 90/401 (1991)

§ 83117. Authority of Commission.

The Commission may:

(a) Accept grants, contributions and appropriations;

(b) Contract for any services which cannot satisfactorily be performed by its employees;

(c) Employ legal counsel. Upon request of the Commission, the Attorney General shall provide legal advice and representation without charge to the Commission.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18327

§ 83117.5. Receipt of Gift.

It shall be unlawful for a member of the commission to receive a gift of ten dollars (\$10) or more per month.

“Gift” as used in this section means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative official, an agency official, or a lobbyist or by any person listed in Section 87200.

History: Added by Stats. 1975, Ch. 797, effective September 16, 1975.

§ 83117.6. Financial Disclosure Statement: First Filing by Commission Members. [Repealed]

History: Added by Stats. 1975, Ch. 797, effective September 16, 1975; repealed by Stats. 1978, Ch. 566.

§ 83118. Subpoena Powers.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission’s duties or exercise of its powers.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18110
2 Cal. Code of Regs. Section 18363

§ 83119. Self-Incrimination.

The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual

so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

§ 83120. Judicial Review.

An interested person may seek judicial review of any action of the Commission.

§ 83121. Judicial Advancement of Action.

If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

§ 83122. Fair Political Practices Commission; Appropriation.

There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) during the fiscal year of 1974-1975, and the sum of one million dollars (\$1,000,000), adjusted for cost-of-living changes, during each fiscal year thereafter, for expenditure to support the operations of the commission pursuant to this title. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the commission and other agencies as may be necessary to carry out the provisions of this title.

The Department of Finance, in preparing the state budget and the Budget Bill submitted to the Legislature, shall include an item for the support of the Political Reform Act of 1974, which item shall indicate all of the following: (1) the amounts to be appropriated to other agencies to carry out their duties under this title, which amounts shall be in augmentation of the support items of such agencies; (2) the additional amounts required to be appropriated by the Legislature to the commission to carry out the purposes of this title, as provided for in this section; and (3) in parentheses, for informational purposes, the continuing appropriation during each fiscal year of one million dollars (\$1,000,000) adjusted for cost-of-living changes made to the commission by this section.

The definition of “expenditure” in Section 82025 is not applicable to this section.

History: Amended by Stats. 1976, Ch. 1075, effective September 21, 1976.

§ 83123. Local Enforcement.

The Commission shall establish a division of local enforcement to administer, interpret, and enforce, in accordance with the findings, declarations, purposes, and provisions of this title, those provisions relating to local government agencies as defined in Section 82041.

History: Added by Stats. 1984, Ch. 1681, effective September 30, 1984.

Chapter 4. Campaign Disclosure.

§ 84100 - 84400

- Article 1. Organization of Committees.
 § 84100 - 84108
 2. Filing of Campaign Statements.
 § 84200 - 84226
 3. Prohibitions. § 84300 - 84309
 4. Exemptions. § 84400

Article 1. Organization of Committees.

§ 84100 - 84108

- § 84100. Treasurer.
- § 84101. Statement of Organization; Filing.
- § 84102. Statement of Organization;
Contents.
- § 84103. Statement of Organization;
Amendment.
- § 84104. Recordkeeping.
- § 84105. Notification of Contributors.
- § 84106. Sponsored Committee; Identification.
- § 84107. Ballot Measure Committee;
Identification.
- § 84108. Slate Mailer Organization;
Statement of Organization.

§ 84100. Treasurer.

Every committee shall have a treasurer. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents. No contribution or expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer.

History: Repealed and reenacted as amended by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
 2 Cal. Code of Regs. Section 18404
 2 Cal. Code of Regs. Section 18427

Opinions: In re Augustine (1975) 1 FPPC Ops. 69

Enforcement

Decisions: Santa Clara No on Prop. 13 Comm. 80/13
 (1981)

§ 84101. Statement of Organization; Filing.

(a) Every committee which is a committee by virtue of subdivision (a) of Section 82013 shall file with the Secretary of State a statement of organization within 10 days after it has qualified as a committee. The committee shall file the original of the statement of organization with the Secretary of State and shall also file a copy of the statement of organization with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215. The original and copy of the statement of organization shall be filed within 10 days after the committee has qualified as a committee. The Secretary of State shall assign a number to each committee which files a statement of organization and shall notify the committee of the number. The Secretary of State shall send a copy of statements filed pursuant to this section to the clerk of each county which he or she deems appropriate. A county clerk who receives a copy of a statement of organization from the Secretary of State pursuant to this section shall send a copy of such statement to the clerk of each city in the county which he or she deems appropriate.

(b) In addition to filing the statement of organization as required by subdivision (a), if a committee qualifies as a committee under subdivision (a) of Section 82013 before the date of an election in connection with which the committee is required to file preelection statements, but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84200.7 or 84200.8, the committee shall file, by telegram or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this subdivision shall be filed with the filing officer with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(c) For purposes of this section, in calculating whether one thousand dollars (\$1,000) in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot shall not be included if these payments have been made from the candidate's personal funds.

History: Amended by Stats. 1978, Ch. 551; amended by Stats. 1979, Ch. 531; amended by Stats. 1986, Ch. 544; amended by Stats. 1992, Ch. 405.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18521

Enforcement

Decisions: Sports Mall Task Force and Gordon Reynolds, Treasurer 96/671 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Donald Barnett 96/612 (1998)
Richard Katz, et al. 96/285 (1997)
Irvine Police Assn., et al. 93/115 (1996)
Howard Kwon for Better ABC, et al. 93/400 (1994)
Luis Hernandez, et al. 89/404 (1993)
Kenneth Orduna, et al. 88/364 (1991)
California Physicians for a Logical AIDS Response 88/454 (1991)
Comm. to Ban Gillnets/Kenneth Kukuda 87/117 (1988)
Joint Industry Council/Cook/Ochinero/Weiss 86/252 (1987)
Helen Stein 84/132 (1985)
Santa Clara No on Prop. 13 Comm. 80/13 (1981)
Seaside Citizens League/James Manning 79/87 (1980)

§ 84102. Statement of Organization; Contents.

The statement of organization required by Section 84101 shall include:

(a) The name, street address and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. Whenever a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.

(b) In the case of a sponsored committee, the name, street address and telephone number of each sponsor.

(c) The full name, street address and telephone number, if any, of the treasurer and other principal officers.

(d) The full name and office sought by any candidate and the title and ballot number, if any, of any measure, which the committee supports or opposes as its primary activity. A committee which does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics such as a political party affiliation.

(e) A statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate, or state measure proponent

by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan office, the controlled committee shall indicate the political party, if any, with which the candidate is affiliated.

(f) The disposition of surplus funds which will be made in the event of dissolution.

(g) Such other information as shall be required by the rules or regulations of the commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1977, Ch. 1095; amended by Stats. 1985, Ch. 498; amended by Stats. 1986, Ch. 546; amended by Stats. 1990, Ch. 655; amended by Stats. 1992, Ch. 223.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18402
 2 Cal. Code of Regs. Section 18419
 2 Cal. Code of Regs. Section 18430

Opinions: In re Petris (1975) 1 FPPC Ops. 20

Enforcement

Decisions: California Victory Fund, et al. 98/289 (1998)
Friends of the Albany Waterfront, et al. 96/262 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Paul Horcher, et al. 96/190 (1998)
Mark Thompson 92/71 (1997)
Riverside Tomorrow, et al. 88/239 (1991)
March Fong Eu, et al. 89/310 (1990)
Citizens Against More Traffic, et al. 89/221 (1990)

§ 84103. Statement of Organization; Amendment.

(a) Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall, by telegram or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports pursuant to Section 84215 when the change requiring the amendment occurs before the date of the election in connection with which the committee is required to

file a preelection statement, but after the closing date of the last preelection statement required to be filed for the election pursuant to Section 84200.7 or 84200.8, if any of the following information is changed:

- (1) The name of the committee.
- (2) The name of the treasurer or other principal officers.
- (3) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.

The notification shall include the changed information, the date of the change, the name of the person providing the notification, and the committee's name and identification number.

History: Amended by Stats. 1986, Ch. 544; amended by Stats. 1987, Ch. 479.

References at the time of publication (see page 3):

Enforcement

Decisions: Californians for Fair Business Practices, et al. 95/464 (1998)
Anna Sparks 84/256 (1986)

§ 84104. Recordkeeping.

It shall be the duty of each candidate, treasurer and elected officer to maintain such detailed accounts, records, bills and receipts that are necessary to prepare campaign statements and to comply with the provisions of this chapter. The detailed accounts, records, bills and receipts that are maintained shall be retained by the filer for a period specified by the commission; provided, however, that the commission shall not require retention of records for a period longer than the statute of limitations specified in Section 91011 or two years after the adoption of an audit report pursuant to Chapter 10 (commencing with Section 90000) of this title, whichever is less.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401

Enforcement

Decisions: Timothy Peter Smith 95/327 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Glendon B. Craig 97/368 (1998)
John Sorci, et al. 97/10 (1998)
Margaret Pryor 94/476 (1998)
Charles W. Quackenbush, et al. 94/633 (1997)
Juanita McDonald, et al. 95/211 (1997)
Peter McHugh, et al. 94/533 (1997)
William E. Saracino, Free Market PAC, et al. 95/310 (1997)
Juan Ulloa, et al. 96/77 (1997)
Joe Baca, et al. 96/281 (1997)

Arlo Smith, et al. 93/332 (1996)
Frank M. Jordan, et al. 94/654 (1996)
Californians Against Corruption, et al. 93/336 (1995)
Bonnie Wai, et al. 92/286 (1995)
Kevin P. Eckard, et al. 92/115 (1995)
Luis Hernandez, et al. 89/404 (1993)
Peter Chacon, et al. 91/424 (1993)
Carl L. Hysen, et al. 91/10 (1992)
Carol Ruth Silver, et al. 91/305 (1992)
Kenneth Orduna, et al. 88/364 (1991)
Doug Carter 88/443 (1990)
March Fong Eu, et al. 89/310 (1990)
James B. Dimas, et al. 89/181 (1990)
Thomas Watson, et al. 90/80 (1990)
Lia Belli, et al. 84/298 (1988)
Linda Nelson/Friends of Linda Nelson 84/295 (1987)
A. Ron Rhone/Friends of A. Ron Rhone 84/237 (1987)
Janice Nash 84/237 (1986)
A. John Shimon/Comm./Melvin Swig 85/18 (1986)
Rep. St. Central Comm. et al. 80/59 (1983)
Industry Manufacturers Council 80/55 (1981)

§ 84105. Notification of Contributors.

A candidate or committee which receives contributions of five thousand dollars (\$5,000) or more from any person shall inform the contributor that he or she may be required to file campaign reports. The notification shall occur within two weeks of receipt of the contributions but need not be sent to any contributor who has an identification number assigned by the Secretary of State issued pursuant to Section 84101.

History: Added by Stats. 1984, Ch. 670.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18427.1

Enforcement

Decisions: Palm Springs Gaming Corporation, et al. 96/149 (1998 Civil Suit)
Contra Costa Community College District 96/520 (1998)
Charles W. Quackenbush, et al. 94/633 (1997)
Citizens for Legal Immigration Reform, et al. 95/281 (1997)
Californians Against Corruption, et al. 93/336 (1995)
Schabarum Fund for California's Future, et al. 91/608 (1993)
Dianne Feinstein, et al. 90/819 (1992)
Pete Wilson, et al. 92/492 (1992)

§ 84106. Sponsored Committee; Identification.

(a) Whenever identification of a sponsored committee is required by this title, the identification shall include the full name of the committee as contained in its statement of organization.

(b) A sponsored committee shall use only one name in its statement of organization.

History: Added by Stats. 1985, Ch. 498; amended by Stats. 1986, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18419

Enforcement

Decisions: California Victory Fund, et al. 98/289 (1998)
Friends of the Albany Waterfront, et al. 96/262 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Riverside Tomorrow, et al. 88/239 (1991)
Committee for Fair Lawyers Fee, et al. 88/247 (1990)
Los Angeles Public and Coastal Protection Comm. 88/103 (1989)

§ 84107. Ballot Measure Committee; Identification.

Within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which has as its principal activity the support of or opposition to a ballot measure, shall, if supporting the measure, include the statement, “a committee for Proposition____,” or, if opposing the measure, include the statement, “a committee against Proposition ____,” in any reference to the committee required by law.

History: Added by Stats. 1985, Ch. 498.

References at the time of publication (see page 3):

Enforcement

Decisions: Alliance to Revitalize CA, Com. For Props. 200, 201 and 202, et al. 96/89 (1997)

§ 84108. Slate Mailer Organization; Statement of Organization.

(a) Every slate mailer organization shall comply with the requirements of Sections 84100, 84101, 84103, and 84104.

(b) The statement of organization of a slate mailer organization shall include:

(1) The name, street address, and telephone number of the organization. In the case of an individual or business entity that qualifies as a slate mailer organization, the name of the slate mailer organization shall include the name by which the individual or entity is identified for legal purposes. Whenever identification of a slate mailer organization is required by this title, the identification shall include the full name of the slate mailer organization as contained in its statement of organization.

(2) The full name, street address, and telephone number of the treasurer and other principal officers.

(3) The full name, street address, and telephone number of each person with final decisionmaking authority as to which candidates or measures will be supported or opposed in the organization’s slate mailers.

(c) The statement of organization shall be filed with the Secretary of State within 10 days after the slate mailer organization receives or is promised five hundred dollars (\$500) or more for producing one or more slate mailers. However, if an entity qualifies as a slate mailer organization before the date of an election in which it is required to file preelection statements, but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84218, the slate mailer organization shall file with the Secretary of State, by telegram or personal delivery within 24 hours of qualifying as a slate mailer organization, the information required to be reported in the statement of organization.

History: Added by Stats. 1987, Ch. 905; amended by Stats. 1996, Ch. 892.

Article 2. Filing of Campaign Statements.

§ 84200 - 84226

- § 84200. Semi-Annual Statements.
- § 84200.4. Campaign Statements. (March 26, 1996) [Repealed]
- § 84200.5. Preelection Statements.
- § 84200.6. Special Campaign Statements and Reports.
- § 84200.7. Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year.
- § 84200.8. Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.
- § 84201. Combination of Statements. [Repealed]
- § 84202. Closing Dates. [Repealed]
- § 84202.3. Campaign Statements; Ballot Measure Committees.
- § 84202.5. Supplemental Preelection Statement.
- § 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.
- § 84203. Late Contribution; Reports.
- § 84203.3. Late In-Kind Contributions.
- § 84203.5. Independent Expenditures; Report.

- § 84204. Late Independent Expenditures; Reports.
- § 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]
- § 84204.2. Preelection Statements; Final. [Repealed]
- § 84205. Combination of Statements.
- § 84206. Candidates Who Receive or Spend Less than \$1,000.
- § 84207. Late Independent Expenditures; Reports. [Repealed]
- § 84207.5. Appointments to Office; Filing Requirements. [Repealed]
- § 84208. Independent Expenditures; Reports. [Repealed]
- § 84209. Consolidated Statements.
- § 84210. Special Election Reports. [Repealed]
- § 84211. Contents of Campaign Statement.
- § 84212. Forms; Loans.
- § 84213. Candidate Verification.
- § 84214. Termination.
- § 84215. Campaign Reports and Statements; Where to File.
- § 84216. Loans.
- § 84216.5. Loans Made by a Candidate or Committee.
- § 84217. Federal Office Candidates; Places Filed.
- § 84218. Slate Mailer Organization; Semi-Annual Statements.
- § 84219. Slate Mailer Organization; Semi-Annual Statements; Contents.
- § 84220. Slate Mailer Organization; Late Payments.
- § 84221. Slate Mailer Organization; Termination.
- § 84222. Blank.
- § 84223. Blank.
- § 84224. Blank.
- § 84225. Public Employees' Retirement Board Candidates.
- § 84226. Renumbered. § 84217.

§ 84200. Semi-Annual Statements.

(a) Except as provided in paragraphs (1), (2), and (3), elected officers, candidates, and committees pursuant to subdivision (a) of Section 82013 shall file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

(1) A candidate who, during the past six months has filed a declaration pursuant to Section 84206 shall not be required to file a semiannual statement for that six-month period.

(2) Elected officers whose salaries are less than one hundred dollars (\$100) a month, judges, judicial candidates, and their controlled committees shall not file semiannual statements pursuant to this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures.

(3) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year shall not file semiannual statements pursuant to this subdivision for any six-month period in that year if both of the following apply:

(A) The judge has not received any contributions.

(B) The only expenditures made by the judge during the calendar year are contributions from the judge's personal funds to other candidates or committees totaling less than one thousand dollars (\$1,000).

(b) All committees pursuant to subdivision (b) or (c) of Section 82013 shall file campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31, if they have made contributions or independent expenditures, including payments to a slate mailer organization, during the six-month period before the closing date of the statements.

History: Amended by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Campaign Statements in Connection with Elections Held at Times Other Than the State Direct Primary or the State General Election.") Amended by Stats. 1981, Ch. 78; amended by Stats. 1982, Ch. 1069; amended by Stats. 1983, Ch. 898; amended by Stats. 1984, Ch. 1368; repealed and reenacted as amended by Stats. 1985, Ch. 1456; amended by Stats. 1988, Ch. 708; amended by Stats. 1990, Ch. 581; amended by Stats. 1994, Ch. 1129.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18420
2 Cal. Code of Regs. Section 18426
2 Cal. Code of Regs. Section 18522

Opinions: In re Lui (1987) 10 FPPC Ops. 10
In re Sampson (1975) 1 FPPC Ops. 183
In re Kelly, Masini (1975) 1 FPPC Ops. 162
In re Goodwin (1975) 1 FPPC Ops. 24

Enforcement
Decisions: Shadowrock Development Corp. 96/149 (1998 Civil Suit)
Odyssey Mortgagees 96/149 (1998 Civil Suit)
Coombs, Inc. 96/149 (1998 Civil Suit)
California Pro Life Council, Inc. 97/582 (1998)
Kevin P. McEnelly 96/149 (1998 Civil Suit)
Sutter Health 97/581 (1998)

Dexter Henderson 96/367 (1998)
DHL Airways, Inc. 98/323 (1998)
Granite Construction Company 96/149 (1998 Civil Suit)
Cynthia Green-Geter 96/68 (1998)
Fred Cressel, et al. 95/286 (1998)
Lewis W. Coleman 98/319 (1998)
Windway Capital 98/293 (1998)
Larry Smead 98/352 (1998)
James R. Leininger 98/358 (1998)
John K. Skeen 98/317 (1998)
Joseph M. Schell 98/325 (1998)
Friends of Kevin Murray and Kevin Murray 96/132 (1998)
Richard Scaife 98/324, 98/346 (1998)
C. Michael Kojaian 98/322 (1998)
John Dragone, Jr. 96/202 (1998)
Joseph G. Fogg, III 98/320 (1998)
Sutter Health Central 97/581 (1998)
Al Cobos 97/326 (1998)
American Federation of State, County & Muni Employees, et al. 96/264 (1998)
Della Rios, et al. 97/327 (1998)
Diablo Valley College Foundation 97/493 (1998)
Glendon B. Craig 97/368 (1998)
Margaret Pryor 94/476 (1998)
Michael R. Thompson 96/149 (1998)
Paul Horcher, et al. 96/190 (1998)
Roger Pan 97/527 (1998)
Toni Giaffaglione, et al. 95/80 (1998)
Vernon Johnson, et al. 95/428 (1998)
William G. Dorey 96/149 (1998)
Citizens for Cardroom Referendum/Ted Frazier, Treasurer 92/483 (1997)
Jon Colburn Thomason 96/37 (1997)
Tulare Co. Deputy Sheriff's Assn. PAC 94/536 (1997)
Agold Corp., et al. 92/483 (1997)
CA Commerce Club 95/506 (1997)
Mark Thompson 92/71 (1997)
Decker for Assembly, et al. 96/284 (1997)
Lupe Flores-McClintock, et al. 95/238 (1997)
William E. Saracino, Free Market PAC, et al. 95/310 (1997)
San Francisco Construction Management Inc. 96/519 (1997)
Fred Zepeda, et al. 96/554 (1997)
South Pasadenans for Safe Schools, Marilyn Anderson 96/201 (1997)
Irvine Police Assn., et al. 93/115 (1996)
California Democratic Checklist, et al. 92/687 (1996)
Gloria Gray, et al. 95/219 (1996)
Phyllis L. Petri, et al. 95/353 (1996)
California Market & Richard Rhee 95/61 (1996)
County of Sacramento 93/345 (1996)
Fiscal Funding: Calvin B. Grigsby 94/117 (1996)
Irene Tovar 94/584 (1996)
Valerie C. Johnson-Morton, et al. 94/220 (1996)
Fresno County Republican Central Committee 95/32 (1996)
Residential Builders Association PAC et al. 94/447 (1995)
Roger Utt, et al. 94/152 (1995)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
Californians Against Corruption, et al. 93/336 (1995)
California Society of Plastic Surgeons PAC 92/374 (1995)
Wilfred Ussery, et al. 92/12 (1994)
Citizens for Responsible Representation, et al. 92/700 (1994)
Hoy-Sun Ning Yung Benevolent Association, et al. 94/167 (1994)
Howard Kwon for Better ABC, et al. 93/400 (1994)
William Dallas 90/813 (1993)
Harness Horsemen's PAC, et al. 92/405 (1993)
The Anden Group 92/119 (1993)
Leon D. Ralph, et al. 90/572 (1993)
Robert A. Day 92/121 (1993)
Luis Hernandez, et al. 89/404 (1993)
Evergreen America Corporation 93/45 (1993)
California Podiatry PAC 91/207 (1992)
Richard J. O'Neill 92/156 (1992)
Richard Kuebler 89/44 (1992)
Political Action for Thoroughbred Horsemen 91/132 (1992)
Kenneth Orduna, et al. 88/364 (1991)
California Physicians for a Logical AIDS Response 88/454 (1991)
Lancelot Mc Clair, et al. 88/501 (1991)
David Anderson 89/77 (1991)
Darlene Lawson, et al. 89/78 (1991)
Tom Larkin, et al. 90/115 (1991)
Southern Wine & Spirits of California 90/212 (1991)
Care Enterprises 90/380 (1991)
Far West Savings and Loan Assn. 90/385 (1991)
Girardi, Keese and Crane 90/387 (1991)
Conway Collis 90/391 (1991)
Orco Block Company, Inc. 90/395 (1991)
Michael D. Ray 90/398 (1991)
Miller/Roots & Company 90/401 (1991)
March Fong Eu, et al. 89/310 (1990)
Leo Bazile 88/295 (1990)
John Longville 87/596 (1990)
California Young Republicans, et al. 87/228 (1990)
Democratic State Central Committee, et al. 87/213 (1990)
Certe Management 87/251 (1989)
Patrick Crane 87/444 (1989)
Newton Becker 87/389 (1989)
Wings West Airlines, Inc. 87/300 (1989)
William Bone 87/290 (1989)
Assn. for CA Tort Reform PAC/Dennis O'Reilly 89/07 (1989)
Markborough California, Inc. 88/526 (1989)
Windsor Financial Corporation 87/299 (1989)
Nicholas Wang 87/495 (1988)
Sy Zuan Pan 87/479 (1988)
Marvin Davis 87/445 (1988)
Richard A. Snyder 87/380 (1988)

Westco Capital Corp./Wilmington Financial
87/369 (1988)
Tuneup Masters, Inc. of Delaware 87/368
(1988)
Rolled Steel Products Corp. 87/366 (1988)
Municicorp Inc. 87/364 (1988)
Inglewood General Hospital 87/361 (1988)
Drexel, Burnham & Lambert, Inc. 87/358
(1988)
Blackhawk Corp. 87/354 (1988)
Gary Damon 87/353 (1988)
Basic American Foods 87/352 (1988)
Horsemen's Benevolent & Protective Assn.
87/24 (1988)
Committee to Ban Gillnets/Kenneth Kukuda
87/117 (1988)
Pol. Action by Pest Control Oper. Comm.
86/568 (1987)
Richard Noble 86/447 (1987)
John Markstein 85/365 (1986)
Anna Sparks, et al. 84/256 (1986)
Taxpayers Against Crime & Violence 83/365
(1986)
Conway Collis, et al. 82/24 (1984)
Nat'l United Farm Workers PAC 82/21 (1983)
Bruce Young, et al. 82/01 (1983)
Demo State Cen. Comm. - No Div./Betty
Smith 80/75 (1981)
Dan O'Keefe, et al. 80/23 (1980)
Seaside Citizens League/James Manning 78/87
(1980)
Willis Edwards 79/49 (1980)

§ 84200.4. Campaign Statements. (March 26, 1996) [Repealed]

History: Added by Stats. 1995, Ch. 470; repealed by Stats. 1995, Ch. 470.

§ 84200.5. Preelection Statements.

In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file preelection statements as follows:

(a) During an even-numbered year, all candidates for elective state office being voted upon on the first Tuesday after the first Monday in June or November, their controlled committees, and committees primarily formed to support or oppose an elected state officer or a state candidate being voted upon on the first Tuesday after the first Monday in June or November and all elected state officers who, during the reporting periods covered by Section 84200.7, contribute to any committee required to report receipts, expenditures, or contributions pursuant to this title, or make an independent expenditure, shall file the preelection statements specified in Section 84200.7. However, a candidate who is not being voted upon in the November election, his or her controlled committee, and any committee primarily formed to support or oppose that

candidate is not required to file statements in connection with the November election pursuant to subdivision (b) of Section 84200.7, unless, during the reporting periods covered by Section 84200.7, the candidate, his or her controlled committee, or any committee primarily formed to support or oppose that candidate contributes to any committee required to report receipts, expenditures, or contributions pursuant to this title or makes independent expenditures.

(b) During an even-numbered year, all candidates not specified in subdivision (a) who are being voted upon on the first Tuesday after the first Monday in June or November, their controlled committees, and committees primarily formed to support or oppose those candidates or a measure being voted upon on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in subdivision (a) of Section 84200.7 in the case of a June election, or subdivision (b) of Section 84200.7 in the case of a November election.

(c) All candidates being voted upon on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year, their controlled committees, and committees primarily formed to support or oppose a candidate or a measure being voted upon on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in Section 84200.8.

(d) During an even-numbered year, state and county general purpose committees formed pursuant to subdivision (a) of Section 82013 shall file the statements specified in Section 84200.7 if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. State and county general purpose committees formed pursuant to subdivision (b) or (c) of Section 82013 are not required to file the statements specified in Section 84200.7.

(e) City general purpose committees shall file statements as follows:

(1) City general purpose committees in a city which has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.

(2) City general purpose committees in a city which has an election on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in Section 84200.8 if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 542; amended by Stats. 1988, Ch. 1281 effective September 26, 1988; amended by Stats. 1991, Ch. 505; amended by Stats. 1991, Ch. 1077; amended by Stats. 1993, Ch. 769.

References at the time of publication (see page 3):

Enforcement

Decisions: Friends of Kevin Murray and Kevin Murray 96/132 (1998)
Fred Cressel, et al. 95/286 (1998)
Cynthia Green-Geter 96/68 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
Al Cobos 97/326 (1998)
Della Rios, et al. 97/327 (1998)
Donald Barnett 96/612 (1998)
Toni Giaffaglione, et al. 95/80 (1998)
Vernon Johnson, et al. 95/428 (1998)
Citizens for Cardroom Referendum/Ted Frazier, Treasurer 92/483 (1997)
Tulare Co. Deputy Sheriff's Assn. PAC 94/536 (1997)
William E. Saracino, Free Market PAC, et al. 95/310 (1997)
Committee for Excellence in Education, Philip Arnold, et al. 95/189 (1997)
Save Our Port Hueneme Police Dept., et al. 94/539 (1996)
Irvine Police Assn., et al. 93/115 (1996)
American Fed. of State, County and Municipal Employees 95/304 (1995)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
California Society of Plastic Surgeons PAC 92/374 (1995)
Robert "Tim" Leslie, et al. 93/250 (1994)
CA Thoroughbred Breeders, et al. 92/734 (1994)
Gil Ferguson, et al. 91/368 (1993)
Harness Horseman's PAC, et al. 92/405 (1993)
Leon D. Ralph, et al. 90/572 (1993)
Luis Hernandez, et al. 89/404 (1993)
California Podiatry PAC 91/207 (1992)
Lucy Killea, et al. 91/203 (1992)
California Physicians for a Logical Aids Response 88/454 (1991)
Tony Trias, et al. 88/489 (1991)
Lancelot Mc Clair, et al. 88/501 (1991)
Tom Larkin, et al. 90/115 (1991)
American Fed. of State, County and Municipal Employees 91/206 (1991)
Leo Bazille 88/295 (1990)
California Young Republicans, et al. 87/228 (1990)
Democratic State Central Comm., et al. 87/213 (1990)

Assn. for CA Tort Reform PAC/Dennis O'Reilly 89/07 (1989)
Committee to Ban Gillnets/Kenneth Kukuda 87/117 (1988)
Bill Press, et al. 80/80 (1982)
Santa Clara No on Prop. 13 Comm. 80/13 (1981)
Doug Carter, et al. 78/121 (1981)
Industry Manufacturers Council 80/55 (1981)
Oscar Klee/Betty Franklin 79/58 (1980)
Renee Simon, et al. 80/15 (1980)
Willis Edwards 79/49 (1980)
Oliver Speraw 80/14 (1980)

§ 84200.6. Special Campaign Statements and Reports.

In addition to the campaign statements required by Sections 84200 and 84200.5, all candidates and committees shall file the following special statements and reports:

(a) Supplemental preelection statements when required by Section 84202.5.

(b) Late contribution reports when required by Section 84203.

(c) Independent expenditure reports when required by Section 84203.5.

(d) Late independent expenditure reports when required by Section 84204.

History: Added by Stats. 1985, Ch. 1456.

§ 84200.7. Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year.

(a) Preelection statements for the June election period shall be filed as follows:

(1) For the period ending March 17, a statement to be filed no later than March 22. However, for a special election called after March 17, or for which the period for filing nomination documents, as defined in Section 333 of the Elections Code, ends after March 17, a preelection statement for the period ending 45 days before the election shall be filed no later than 40 days before the election.

(2) For the period ending 17 days before the election, a statement to be filed no later than 12 days before the election. All candidates being voted upon in the June election, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in the June election shall file this statement by guaranteed overnight delivery service or by personal delivery.

(b) Preelection statements for the November election period shall be filed as follows:

(1) For the period ending September 30, a statement to be filed no later than October 5.

(2) For the period ending 17 days before the election, a statement to be filed no later than 12 days

before the election. All candidates being voted upon in the November election, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in the November election shall file this statement by guaranteed overnight delivery service or by personal delivery.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1994, Ch. 923.

References at the time of publication (see page 3):

Enforcement

Decisions: Friends of Kevin Murray and Kevin Murray 96/132 (1998)
American Federation of State, County & Muni Employees, et al. 96/264 (1998)
Donald Barnett 96/612 (1998)
Vernon Johnson, et al. 95/428 (1998)
William E. Saracino, Free Market PAC, et al. 95/310 (1997)
Committee for Excellence in Education, Philip Arnold, et al. 95/189 (1997)
Irvine Police Assn., et al. 93/115 (1996)
Save Our Port Hueneme Police Dept., et al. 94/539 (1996)
Phyllis L. Petri, et al. 95/353 (1996)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
California Society of Plastic Surgeons PAC 92/374 (1995)
Wilfred Ussery, et al. 92/12 (1994)
Southwestern Regional Council, et al. 92/735 (1993)
Harness Horseman's PAC, et al. 92/405 (1993)
Gil Ferguson, et al. 91/368 (1993)
Leon D. Ralph, et al. 90/572 (1993)
California Podiatry PAC 91/207 (1992)

§ 84200.8. Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.

Preelection statements shall be filed under this section as follows:

(a) For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.

(b) For the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election. All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.

(c) For runoff elections held within 60 days of the qualifying election, an additional preelection statement for the period ending 17 days before the runoff election shall be filed no later than 12 days

before the election. All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984.

References at the time of publication (see page 3):

Enforcement

Decisions: Fred Cressel, et al. 95/286 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
Cynthia Green-Geter 96/68 (1998)
California Coalition for Immigration Reform, et al. 94/651 (1998)
Dexter Henderson 96/367 (1998)
Al Cobos 97/326 (1998)
Della Rios, et al. 97/327 (1998)
Toni Giaffoglione, et al. 95/80 (1998)
South Pasadenans for Safe Schools, Marilyn Anderson 96/201 (1997)
Gloria Gray, et al. 95/219 (1996)
Robert "Tim" Leslie, et al. 93/250 (1994)
Yes on Measure "A"/Quality Ed. Project, et al. 91/590 (1993)
Luis Hernandez, et al. 89/404 (1993)
Lucy Killea, et al. 91/203 (1992)

§ 84201. Combination of Statements. [Repealed]

History: Added by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Campaign Statements in Connection with Elections Held on the State Direct Primary or State General Election Dates"); repealed by Stats. 1985, Ch. 1456.

§ 84202. Closing Dates. [Repealed]

History: Added by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 1106; amended and renumbered by Stats. 1977, Ch. 1193. (Formerly Section 84200.5.) Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Central Committee Candidate Campaign Statements"); Repealed by Stats. 1985, Ch. 1456.

§ 84202.3. Campaign Statements; Ballot Measure Committees.

(a) In addition to the campaign statements required by Section 84200, committees pursuant to subdivision (a) of Section 82013 that are primarily formed to support or oppose the qualification, passage, or defeat of a measure and proponents of a state ballot measure who control a committee formed or existing primarily to support the qualification, passage, or defeat of a state ballot measure, shall file campaign statements on the following dates:

(1) No later than April 30 for the period January 1 through March 31.

(2) No later than October 31 for the period July 1 through September 30.

(b) This section shall not apply to a committee during any semiannual period in which the committee is required to file preelection statements pursuant to subdivision (a), (b), or (c) of Section 84200.5.

(c) This section shall not apply to a committee following the election at which the measure is voted upon unless the committee makes contributions or expenditures to support or oppose the qualification or passage of another ballot measure.

History: Added by Stats. 1991, Ch. 696; amended by Stats. 1993, Ch. 769.

§ 84202.5. Supplemental Preelection Statement.

(a) Any candidate or any committee pursuant to subdivision (a) of Section 82013 which makes contributions totaling five thousand dollars (\$5,000) or more in connection with an election, including a runoff election, shall file a supplemental preelection statement no later than 12 days before the election, for the period ending 17 days before the election. This statement shall be filed with each office with which the candidate or committee filing the statement is required to file its next campaign statement pursuant to Section 84215.

(b) This section shall not apply to candidates or committees during any semiannual period in which the candidate or committee is required to file preelection statements pursuant to Section 84200.5.

(c) If a candidate or committee makes contributions totaling five thousand dollars (\$5,000) or more in connection with an election and all of those contributions are reported pursuant to Section 84200 or 84202.7 on or before the closing date specified in subdivision (a), the candidate or committee shall not be required to file additional statements for that period pursuant to this section.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1992, Ch. 89.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18402.5

Enforcement

Decisions: American Federation of State, County & Muni Employees, et al. 96/264 (1998)
California Republican Party, et al. 94/77 (1996)
National Rifle Association, et al. 94/183 (1995)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
CA Republican Party/Victory 1990 93/331 (1994)

§ 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.

(a) Except as provided in subdivision (b), during an odd-numbered year, any committee by virtue of Section 82013 which makes contributions totaling five thousand dollars (\$5,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below shall file campaign statements on the following dates:

(1) No later than April 30 for the period of January 1 through March 31.

(2) No later than October 31 for the period of July 1 through September 30.

(b) If a committee makes contributions totaling five thousand dollars (\$5,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.

History: Added by Stats. 1986, Ch. 984; amended by Stats. 1993, Ch. 218.

References at the time of publication (see page 3):

Enforcement

Decisions: National Rifle Association, et al. 94/183 (1995)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
California Podiatry PAC 91/207 (1992)

§ 84203. Late Contribution; Reports.

(a) Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215. The candidate or committee that makes the late contribution shall report his or her full name and street address and the full name and street address of the person to whom the late contribution has been made, the office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, and the date and amount of the late contribution. The recipient of the late contribution shall report his or her full name and street address, and the date and amount of the late contribution. The recipient shall also report the full name of the contributor, his or her street address, occupation, and

the name of his or her employer, or if self-employed, the name of the business.

(b) A late contribution shall be reported by facsimile transmission, telegram, guaranteed overnight mail through the United States Postal Service, or personal delivery within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(c) A late contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

History: Amended and renumbered by Stats. 1977, Ch. 1193. (Formerly Section 84201.) (Former Section 84203, titled "Measure; Committee; Time for Filing Campaign Statement," repealed by Stats. 1977, Ch. 1193.) Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing When a Special, General or Runoff Election is Held Less than 60 Days Following the Primary Election.") Repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled "Designation of Final Committee Preelection Statement."); amended by Stats. 1992, Ch. 89.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18425

Enforcement

Decisions: Citizens to Protect our Community, et al. 96/411 (1998)
Democratic State Central Committee of California 98/40 (1998)
Tom Umberg, et al. 96/610 (1998)
David A. Bossen 98/294 (1998)
California Victory Fund, et al. 98/289 (1998)
Friends of Kevin Murray and Kevin Murray 96/132 (1998)
Kent A. Logan 98/296 (1998)
Contra Costa Community College District 96/520 (1998)
C. Michael Kojaian 98/322 (1998)
Republican National State Elections 98/318 (1998)
Duane Roberts 98/291 (1998)
John Upton, et al. 97/367 (1998)
Joseph M. Schell 98/325 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
GEICO Corporation 98/298 (1998)
Windway Capital 98/293 (1998)
L.W. Lane, Jr. 98/297 (1998)
J. Stanley Sanders, et al. 94/711 (1998 Civil Suit)

Lewis W. Coleman 98/319 (1998)
John K. Skeen 98/317 (1998)
Richard Scaife 98/324, 98/346 (1998)
Albert Robles 95/39 (1998)
American Federation of State, County & Muni Employees, et al. 96/264 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Diablo Valley College Foundation 97/493 (1998)
Donald Barnett 96/612 (1998)
Paul Horcher, et al. 96/190 (1998)
Charles W. Quackenbush, et al. 94/633 (1997)
Juanita McDonald, et al. 95/211 (1997)
Tulare Co. Deputy Sheriff's Assn. PAC 94/536 (1997)
Mark Thompson 92/71 (1997)
Coalition to Achieve Responsible Enforcement and Sarah Skinner, Treasurer 95/196 (1997)
Juan Ulloa, et al. 96/77 (1997)
Joe Baca, et al. 96/281 (1997)
Committee for Excellence in Education, Philip Arnold, et al. 95/189 (1997)
Roger Benitez, et al. 96/282 (1997)
Richard Monteith, et al. 96/75 (1997)
Michael Woo, et al. 96/406 (1997)
Arlo Smith, et al. 93/332 (1996)
Yvonne Brathwaite Burke, et al. 95/182 (1996)
Peter Navarro; Robin Stark 93/456 (1996)
California Republican Party, et al. 94/77 (1996)
Nestle USA, Inc. 95/182 (1996)
Frank M. Jordan, et al. 94/654 (1996)
American Fed. of State, County and Municipal Employees 95/304 (1995)
Residential Builders Association PAC, et al. 94/447 (1995)
Jerold L. Turner, et al. 94/240 (1995)
National Rifle Association, et al. 94/183 (1995)
DRIVE - Demo., Rep., Ind. Voter Education, et al. 93/403 (1995)
Californians Against Corruption, et al. 93/336 (1995)
California Society of Plastic Surgeons PAC 92/374 (1995)
Bonnie Wai, et al. 92/286 (1995)
Robert "Tim" Leslie, et al. 93/250 (1994)
UAW Region 6 Political Action Committee, et al. 92/67 (1994)
Richard Lang, et al. 91/303 (1994)
Lionel J. Wilson, et al. 90/813 (1994)
American Fed. of State, County and Municipal Employees 93/404 (1994)
CA Republican Party/Victory 990 93/331 (1994)
Yes on Measure "A"/Quality Ed. Project, et al. 91/590 (1993)
Southwestern Regional Council, et al. 92/735 (1993)
Gil Ferguson, et al. 91/368 (1993)
Schabarum Fund for California's Future, et al. 91/608 (1993)
Leon D. Ralph, et al. 90/572 (1993)
San Franciscans for Common Sense, et al. 90/928 (1993)
Gary G. Miller, et al. 91/331 (1993)

Robert A. Day 92/121 (1993)
Luis Hernandez, et al. 89/404 (1993)
David Knowles, et al. 92/382 (1993)
Evergreen America Corporation 93/45 (1993)
Dianne Feinstein, et al. 90/819 (1992)
Californians Against Unfair Tax Increases, et al. 89/508 (1992)
Pete Wilson, et al. 92/492 (1992)
Lucy Killea, et al. 91/203 (1992)
Richard Kuebler 89/44 (1992)
Political Action for Thoroughbred Horsemen 91/132 (1992)
Taxpayers to Limit Campaign Spending 89/350 (1992)
United Food and Commercial Workers Local 135 89/451 (1992)
Kenneth Orduna, et al. 88/364 (1991)
Tony Trias, et al. 88/489 (1991)
Fieldstone Company 90/259 (1991)
Orco Block Company, Inc. 90/395 (1991)
Stop Dannemeyer/No on 102, Robert Ward 90/530 (1991)
Robert A. Knox, et al. 90/574 (1991)
Coca-Cola Company 91/238 (1991)
Tricia Hunter, et al. 91/332 (1991)
American Telephone and Telegraph Co. 91/341 (1991)
Angela Alioto, et al. 91/9 (1991)
Mike Curb, et al. 89/370 (1990)
California Judges Assn., et al. 89/186 (1990)
March Fong Eu, et al. 89/139 (1990)
William Campbell, et al. 88/210 (1990)
Richard Brann 88/109 (1990)
Edward Vincent 87/127 (1990)
Gil Ferguson, et al. 87/84 (1990)
Paul Carpenter, et al. 87/122 (1989)
Willard Murray /Murray for Assem. /Sanders /UDCC 88/75 (1989)
Eppaminondas Johnson 88/258 (1989)
Trice Harvey/Comm. to Elect Trice Harvey 88/225 (1989)
Patrick Crane 87/444 (1989)
Myra Kopf/Com/David Looman/Patricia Wizeman 86/560 (1989)
No on Prop. 37/Marvin Reynolds 87/24 (1988)
Marvin Davis 87/445 (1988)
Municicorp, Inc. 87/364 (1988)
Drexel, Burnham & Lambert, Inc. 87/358 (1988)
Blackhawk Corp. 87/354 (1988)
Basic American Foods 87/352 (1988)
Horsemen's Benevolent & Protective Assn. 87/24 (1988)
Richard A. Snyder 87/380 (1988)
Sandra Everingham 86/576 (1988)
Louis Laramore 86/576 (1988)
Sam Digati/Sam Digati for Sup. Comm. 86/576 (1988)
Larry Walker/Gary Ayala/Ruben Ayala 86/435 (1988)
Joint Industry Council/Cook/Ochinero/Weiss 86/252 (1987)
John Doolittle, et al. 84/43 (1987)
Linda Nelson/Friends of Linda Nelson 84/295 (1987)

John Hodgson/California Hospital Assn. 86/240 (1987)
Taxpayers Against Crime & Violence, et al. 83/365 (1986)
Nat'l United Farm Workers PAC 82/21 (1983)
Republican State Central Comm. et al. 80/59 (1983)
Cathie Wright, et al. 81/16 (1982)
Doug Carter, et al. 78/121 (1981)
Santa Clara No on Prop. 13 Comm. 80/13 (1981)
Industry Manufacturers Council 80/55 (1981)
Retailers Good Government Council, et al. 81/10 (1981)
Dan O'Keefe, et al. 80/23 (1980)
Renee Simon/Simon Comm/Sterling Clayton 80/15 (1980)
Oliver Speraw/Speraw for State Sen/Murchison 80/14 (1980)
Willis Edwards 79/49 (1980)

§ 84203.3. Late In-Kind Contributions.

(a) Any candidate or committee that makes a late contribution that is an in-kind contribution shall notify the recipient in writing of the value of the in-kind contribution. The notice shall be received by the recipient within 24 hours of the time the contribution is made.

(b) Nothing in this section shall relieve a candidate or committee that makes a late in-kind contribution or the recipient of a late in-kind contribution from the requirement to file late contribution reports pursuant to Section 84203. However, a report filed by the recipient of a late in-kind contribution shall be deemed timely filed if it is received by the filing officer within 48 hours of the time the contribution is received.

History: Added by Stats. 1995, Ch. 77.

References at the time of publication (see page 3):

Enforcement

Decisions: CA Commerce Club 95/506 (1997)

§ 84203.5. Independent Expenditures; Report.

(a) In addition to any campaign statements required by this article, if a candidate or committee has made independent expenditures totaling five hundred dollars (\$500) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports at the same time, covering the same periods, and in the places where the candidate or committee would be required to file campaign statements under this article, as if it were formed or existing primarily to support or oppose the candidate or measure or qualification of the measure. No independent expenditure report need be filed to cover a period for which there has been no activity to report.

(b) An independent expenditure report shall contain the following information:

(1) The name, street address, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer, and the number assigned to the committee by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks nomination or election. If the report is related to a measure or qualification of a measure, the number or letter of the measure, or if none has yet been assigned, a brief description of the subject matter of the measure, and the jurisdiction in which the measure is to be voted on or would be voted on if it qualified.

(3) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received less than one hundred dollars (\$100).

(4) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received one hundred dollars (\$100) or more.

(5) For each person to whom an expenditure of one hundred dollars (\$100) or more related to the candidate or measure has been made during the period covered by the report and for each person who has provided consideration for an expenditure of one hundred dollars (\$100) or more during the period covered by the report:

(A) His or her full name.

(B) His or her street address.

(C) If the person is a committee, the name of the committee, the number assigned to the committee by the Secretary of State, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(D) The date of the expenditure.

(E) The amount of the expenditure.

(F) A brief description of the consideration for which each such expenditure was made and the value of the consideration if less than the total amount of the expenditure.

(G) The cumulative amount of expenditures to such person.

(6) A list of all the filing officers with whom the committee filed its most recent campaign statement.

History: Added by Stats. 1985, Ch. 1456.

References at the time of publication (see page 3):

Enforcement

Decisions: Democratic State Central Committee of California 98/40 (1998)

Contra Costa Community College District 96/520 (1998)

Committee for Responsible Woodside Town Government, et al. 95/552 (1998)

California Coalition for Immigration Reform, et al. 94/651 (1998)

California Republican Party 96/374 (1998)

Californians for Fair Business Practices, et al. 95/464 (1998)

County of Sacramento 93/345 (1996)

Irvine Police Assn., et al. 93/115 (1996)

National Rifle Association, et al. 94/183 (1995)

J. Richard Eichman 92/407 (1994)

Western Mobilehome Assn. Pac 92/407 (1994)

United Food and Commercial Workers Local 135 89/451 (1992)

Richard Kuebler 89/44 (1991)

§ 84204. Late Independent Expenditures; Reports.

(a) A candidate or committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure by facsimile transmission, telegram, guaranteed overnight mail through the United States Postal Service or personal delivery within 24 hours of the time it is made. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A candidate or committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office, and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, the jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of goods or services for which the late independent expenditure was made.

(c) A candidate or committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this article.

History: Former Section 84204, titled "Support of Both Candidates and Measures; Filing Requirements," repealed by Stats. 1977, Ch. 1193; former Section 84202 amended by Stats. 1976, Ch. 1106; renumbered to 84204 by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing; Committees Supporting or Opposing the Qualification of a Measure and Proponents of State Measures."); repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled "Designation of Final Candidate Preelection Statement."); amended by Stats. 1992, Ch. 89.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116

Enforcement

Decisions: California Coalition for Immigration Reform, et al. 94/651 (1998)
Sports Mall Task Force and Gordon Reynolds, Treasurer 96/671 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
Orange County Democratic Central Committee 96/301 (1998)
Champs Operating Group, Inc., and Leo Chu 95/437 (1998)
American Federation of State, County & Muni Employees, et al. 96/264 (1998)
California Republican Party 96/374 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Paul Horcher, et al. 96/190 (1998)
Patrick Johnston, et al. 96/114 (1997)
Mark Thompson 92/71 (1997)
County of Sacramento 93/345 (1996)
Irvine Police Assn., et al. 93/115 (1996)
Residential Builders Association PAC, et al. 94/447 (1995)
National Rifle Association, et al. 94/183 (1995)
Western Mobilehome Assn. PAC 92/407 (1994)
Citizens for Responsible Representation, et al. 92/700 (1994)
Luis Hernandez, et al. 89/404 (1993)
Citizens for a Strong Chula Vista, et al. 90/887 (1992)
Ethics in Government, et al. 91/574 (1992)
Richard Kuebler 89/44 (1992)
San Diego City Fire Fighters 91/493 (1992)
United Food & Commercial Workers Local 135 89/451 (1992)
California League of Conservation Voters, et al. 90/9 (1991)
Leisure Technology 88/573 (1990)

§ 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

§ 84204.2. Preelection Statements; Final. [Repealed]

History: Added by Stats. 1976, Ch. 1105; amended by Stats. 1978, Ch. 1408, effective October 1, 1978; repealed by Stats. 1980, Ch. 289.

§ 84205. Combination of Statements.

The Commission may by regulation or written advice permit candidates and committees to file campaign statements combining statements and reports required to be filed by this title.

History: Amended by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Closing Dates."); amended by Stats. 1981, Ch. 78; repealed and reenacted by Stats. 1985, Ch. 1456. (Formerly titled "Candidates Who Receive or Spend Less than \$500.")

§ 84206. Candidates Who Receive or Spend Less Than \$1,000.

(a) The commission shall provide by regulation for a short form for filing reports required by this article for candidates or officeholders who receive contributions of less than one thousand dollars (\$1,000), and who make expenditures of less than one thousand dollars (\$1,000), in a calendar year.

(b) For the purposes of this section, in calculating whether one thousand dollars (\$1,000) in expenditures have been made, payments for a filing fee or for a statement of qualification shall not be included if these payments have been made from the candidate's personal funds.

(c) Every candidate or officeholder who has filed a short form pursuant to subdivision (a), and who thereafter receives contributions or makes expenditures totaling one thousand dollars (\$1,000) or more in a calendar year, shall send written notification to the Secretary of State, the local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of one thousand dollars (\$1,000). The written notification shall revoke the previously filed short form statement.

History: Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Semi-Annual Campaign Statements."); repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled "Late Contributions; Reports."); amended by Stats. 1987, Ch. 632; amended by Stats. 1993, Ch. 391.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18406

Opinions: In re Lui (1987) 10 FPPC Ops. 10

Enforcement

Decisions: Dexter Henderson 96/367 (1998)
Lia Belli, et al. 84/298 (1988)
Willis Edwards 79/49 (1980)

§ 84207. Late Independent Expenditures; Reports. [Repealed]

History: Amended by Stats. 1977, Ch. 1193, effective January 1, 1978; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Candidate for Reelection to Judicial Office."); repealed by Stats. 1985, Ch. 1456.

§ 84207.5. Appointments to Office; Filing Requirements. [Repealed]

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

§ 84208. Independent Expenditures; Reports. [Repealed]

History: Added by Stats. 1980, Ch. 289; repealed by Stats. 1985, Ch. 1456.

§ 84209. Consolidated Statements.

A candidate or state measure proponent and any committee or committees which the candidate or a state measure proponent controls may file consolidated campaign statements under this chapter. Such consolidated statements shall be filed in each place each of the committees and the candidate or state measure proponent would be required to file campaign statements if separate statements were filed.

History: Added by Stats. 1980, Ch. 289.

§ 84210. Special Election Reports. [Repealed]

History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289; (Formerly titled "Contents of Campaign Statement."); repealed by Stats. 1985, Ch. 1456.

§ 84211. Contents of Campaign Statement.

Each campaign statement required by this article shall contain all of the following information:

(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.

(b) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars (\$100).

(e) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

(4) The name of his or her employer, or if self-employed, the name of the business.

(5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.

(6) The cumulative amount of contributions.

(g) For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

(4) The name of his or her employer, or if self-employed, the name of the business.

(5) The amount of his or her maximum liability.

(h) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars (\$100) or more.

(i) The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than one hundred dollars (\$100).

(j) For each person to whom an expenditure of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) The amount of each expenditure.

(4) A brief description of the consideration for which each expenditure was made.

(5) In the case of an expenditure which is a contribution, the date of the contribution; the cumulative amount of contributions made to a candidate, elected officer, or committee; the full name of the candidate; and the office and district for which he or she seeks nomination or election. In the case of a contribution in support of or opposition to a measure, the number or letter of the measure and the jurisdiction in which the measure or candidate is voted upon.

(6) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for an expenditure of one hundred dollars (\$100) or more during the period covered by the campaign statement.

(7) In the case of an expenditure made to pay or reimburse the travel expenses or necessary accommodations of a candidate, his or her representative, or a member of the candidate's immediate family, the date, destination, and total expenditure for each trip.

For purposes of subdivisions (h), (i), and (j) only, the terms "expenditure" or "expenditures" mean any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of

payments or accrued expenses are for a single service or product.

(k) In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt.

(l) If a committee is listed pursuant to subdivision (f), (g), (j), (k), or (p), the number assigned to the committee by the Secretary of State shall be listed, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(m) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures of one hundred dollars (\$100) or more for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures of one hundred dollars (\$100) or more for or against each candidate or measure.

(n) In a campaign statement filed by a candidate who is a candidate in both an election held on the first Tuesday after the first Monday in June and an election held on the first Tuesday after the first Monday in November, his or her controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made for the period January 1 through June 30 and the total amount of contributions received and expenditures made for the period July 1 through December 31.

(o) The full name, residential or business address, and telephone number of the filer, or in the case of a campaign statement filed by a committee defined by subdivision (a) of Section 82013, the name, street address, and telephone number of the committee and of the committee treasurer. In the case of a committee defined by subdivision (b) or (c) of Section 82013, the name that the filer uses on campaign statements shall be the name by which the filer is identified for other legal purposes or any name by which the filer is commonly known to the public.

(p) If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures on behalf of his or her candidacy and whether the committee is controlled by the candidate.

(q) A contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor before

the closing date of the campaign statement on which the contribution would otherwise be reported.

(r) If the campaign statement is filed in connection with the qualification of a measure, it shall contain the information required by paragraphs (1) to (4), inclusive, of subdivision (j) for each person who has directly, indirectly, or through an intermediary received payments cumulatively totaling one hundred dollars (\$100) or more for circulation of petitions to qualify a measure for the ballot.

(s) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (j) and 50 percent or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee's campaign statement shall also contain, in addition to the information required by subdivision (j), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(t) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (j), and a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee's campaign statement shall also contain, in addition to the information required by subdivision (j), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(u) The information required by Sections 84216 and 84216.5.

(v) If the campaign statement is filed by a committee, as defined in subdivision (b) or (c) of Section 82013, information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.

(2) If the filer is a business entity, a description of the business activity in which it is engaged.

(3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents, including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents.

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289; (Formerly titled "Consideration of Cumulative Amount"); amended by Stats. 1982, Ch. 377; amended by Stats. 1985, Ch. 899; amended by Stats. 1988, Ch. 704; amended by Stats. 1989, Ch. 1452; amended by Stats. 1990, Ch. 581; amended by Stats. 1991, Ch. 674; amended by Stats. 1993, Ch. 1140.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18423
2 Cal. Code of Regs. Section 18428
2 Cal. Code of Regs. Section 18430
2 Cal. Code of Regs. Section 18535
2 Cal. Code of Regs. Section 18537

Opinions: In re Nielsen (1979) 5 FPPC Ops. 18
In re Buchanan (1979) 5 FPPC Ops. 14
In re McCormick (1976) 2 FPPC Ops. 42
In re Burciaga (1976) 2 FPPC Ops. 17
In re Hayes (1975) 1 FPPC Ops. 210
In re Cory (1975) 1 FPPC Ops. 137

Enforcement

Decisions: California Pro Life Council, Inc. 97/582 (1998)
Taxpayers Against Frivolous Lawsuits 98/137 (1998)
Dairymen's Cooperative Creamery Assn., et al. 97/370 (1998)
Contra Costa Community College District 96/520 (1998)
Timothy Peter Smith 95/327 (1998)
John Upton, et al. 97/367 (1998)
Women's Political Committee, et al. 97/371 (1998)
Friends of the Albany Waterfront, et al. 96/262 (1998)
Bernard Herschel Thomson, aka Skip Thomson 96/497 (1998)
Committee for Responsible Woodside Town Government, et al. 95/552 (1998)
California Victory Fund, et al. 98/289 (1998)
Palm Springs Gaming Corporation, et al. 96/149 (1998 Civil Suit)
Citizens to Protect our Community, et al. 96/411 (1998)
Granite Construction Company 96/149 (1998 Civil Suit)

Democratic State Central Committee of California 98/40 (1998)
J. Stanley Sanders, et al. 94/711 (1998)
American Federation of State, County & Muni Employees, et al. 96/264 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Frances Rowe 95/316 (1998)
Glendon B. Craig 97/368 (1998)
Margaret Pryor 94/476 (1998)
Pete Sinclair, et al. 96/146 (1998)
Valerie Pope-Ludlam, et al. 95/74 (1998)
Richard Katz, et al. 96/285 (1997)
Charles W. Quackenbush, et al. 94/633 (1997)
Patrick Johnston, et al. 96/114 (1997)
Juanita McDonald, et al. 95/211 (1997)
CA Commerce Club 95/506 (1997)
Scott Montgomery, et al. 95/192 (1997)
Peter Mc Hugh, et al. 94/533 (1997)
Tom Bordonaro Jr., et al. 96/76 (1997)
Joe Baca, et al. 96/281 (1997)
Roger Benitez, et al. 96/282 (1997)
Richard Monteith, et al. 96/75 (1997)
Keith McDonald, et al. 96/1 (1997)
Barbara Alby, et al. 95/23 (1996)
California Republican Party, et al. 94/77 (1996)
Gerald F. Sevier, et al. 94/184 (1996)
Arlo Smith, et al. 93/332 (1996)
Yvonne Brathwaite Burke, et al. 95/182 (1996)
Frank M. Jordan, et al. 94/654 (1996)
Floyd H. Weaver, et al. 95/183 (1995)
Tom Hsieh, et al. 94/655 (1995)
Residential Builders Association PAC, et al. 94/447 (1995)
Jerold L. Turner, et al. 94/240 (1995)
John Vasconcellos, et al. 94/187 (1995)
Californians Against Corruption, et al. 93/336 (1995)
Bonnie Wai, et al. 92/286 (1995)
Kevin P. Eckard, et al. 92/115 (1995)
Wilson Riles, Jr., et al. 90/813 (1995)
Leo Bazile, et al. 90/813 (1995)
California Republican Party, et al. 93/250 (1994)
Robert "Tim" Leslie, et al. 93/250 (1994)
Taxpayers for Common Sense, et al. 92/514 (1994)
UAW Region 6 Political Action Committee, et al. 92/67 (1994)
Angela "Bay" Buchanan, et al. 92/52 (1994)
J. Richard Eichman 92/407 (1994)
No on 128 - The Hayden Initiative, et al. 92/433 (1994)
CA Thoroughbred Breeders, et al. 92/734 (1994)
Richard Lang, et al. 91/303 (1994)
Lionel J. Wilson, et al. 90/813 (1994)
Thomas Hayes, et al. 93/90 (1994)
CA Republican Party/Victory 1990 93/331 (1994)
Taxpayers for Common Sense, et al. 92/514 (1994)
Southwestern Regional Council, et al. 92/735 (1993)
Gil Ferguson, et al. 91/368 (1993)

Leon D. Ralph, et al. 90/572 (1993)
Luis Hernandez, et al. 89/404 (1993)
Gloria McColl, et al. 91/446 (1993)
Peter Chacon, et al. 91/424 (1993)
Ron May, et al. 92/617 (1993)
San Franciscans for Common Sense, et al. 90/928 (1993)
Dianne Feinstein, et al. 90/819 (1992)
Pete Wilson, et al. 92/492 (1992)
Good Driver Initiative, et al. 90/620 (1992)
Californians for Higher Education, et al. 91/575 (1992)
Ethics in Government, et al. 91/574 (1992)
Jim Gonzalez, et al. 91/170 (1992)
No on 106, et al. 90/571 (1992)
Yes on 111 & 108, et al. 91/501 (1992)
Riverside Tomorrow, et al. 88/239 (1991)
Kenneth Orduna, et al. 88/364 (1991)
California League of Conservation Voters, et al. 90/9 (1991)
Thomas Watson, et al. 90/80 (1990)
Bill Huggins, et al. 89/190 (1990)
Norton Younglove 88/529 (1990)
Stephen Webb, et al. 88/152 (1990)
Richard Brann 88/109 (1990)
Larry Ward, et al. 87/458 (1990)
Democratic State Central Comm., et al. 87/213 (1990)
Edward Vincent 87/127 (1990)
Gil Ferguson 87/84 (1990)
Griffin Homes 88/528 (1989)
Dan Shapiro/Friends of Dan Shapiro 87/614 (1989)
Art Torres, et al. 88/188 (1989)
J. David Horspool, et al. 88/148 (1989)
Myra Kopf/Com/David Looman/Patrick Wizeman 86/560 (1989)
Paul H. Snider, Florin Road Toyota 88/259 (1989)
Eppaminondas Johnson 88/258 (1989)
Marshall Scott/Marshall C. Scott Comm 88/151 (1989)
William Bryan, et al. 83/03 (1988)
Lia Belli, et al. 84/298 (1988)
Sandra Everingham 86/576 (1988)
Sam Digati/Sam Digati for Sup. Comm. 86/576 (1988)
Occidental Petroleum Corp. 88/103 (1988)
Blackhawk Corp. 87/354 (1988)
John Doolittle, et al. 84/43 (1987)
Gregoire Calejari 84/300 (1987)
Quentin Kopp/Friends of Quentin Kopp 84/300 (1987)
Linda Nelson/Friends of Linda Nelson 84/295 (1987)
A. Ron Rhone/Friends of A. Ron Rhone 84/237 (1987)
Leon Mezzetti, et al. 86/361 (1987)
John Markstein 85/365 (1986)
A. John Shimmmon/Comm./Melvin Swig 85/18 (1986)
Rep. Central Comm. of Colusa County 85/172 (1986)
Anna Sparks, et al. 84/256 (1986)
Janice Nash 84/237 (1986)

Taxpayers Against Crime & Violence, et al. 83/365 (1986)
Andrew Fitzmorris /G. Bergeron /C. Bergeron 83/14 (1986)
Jan Hewitt/Comm. to Reelect Jan Hewitt 83/18 (1984)
Conway Collis, et al. 82/24 (1984)
Richard Polanco/Friends of Richard Polanco 82/22 (1984)
Republican State Central Comm. et al. 80/59 (1983)
Nat'l United Farm Workers PAC 82/21 (1983)
John Schmitz 81/17 (1983)
Morton Allen/Mort Allen for City Council 80/58 (1982)
Cathie Wright, et al. 81/16 (1982)
Demo State Cen. Comm. No. Div./Betty Smith 80/75 (1981)
Santa Clara No on Prop. 13 Comm. 80/13 (1981)
Oscar Klee/ Betty Franklin 79/58 (1980)
Bill Greene, et al. 78/72 (1980)
Quentin Kopp, et al. 79/57 (1980)
Renee Simon, et al. 80/15 (1980)
Willis Edwards, et al. 80/23 (1980)
Oliver Speraw, et al. 80/14 (1980)
Dan O'Keefe 80/23 (1980)

§ 84212. Forms; Loans.

The forms promulgated by the Commission for disclosure of the information required by this chapter shall provide for the reporting of loans and similar transactions in a manner that does not result in substantial overstatement or understatement of total contributions and expenditures.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Candidates Who Receive and Spend \$200 or Less."); amended by Stats. 1985, Ch. 1456.

References at the time of publication (see page 3):

Enforcement

Decisions: Willis Edwards 79/49 (1980)

§ 84213. Candidate Verification.

A candidate and state measure proponent shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his or her knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

History: Former Section 84213, titled "Consolidated Statements; Candidates and Committees," amended by Stats. 1976,

Ch. 1106; repealed by Stats. 1980, Ch. 289. Former Section 84209 amended and renumbered Section 84216.5 by Stats. 1979; Section 842165.5 renumbered Section 84213 by Stats. 1980, Ch. 289; amended by Stats. 1983, Ch. 898.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18427
2 Cal. Code of Regs. Section 18430

Enforcement

Decisions: Margaret Pryor 94/476 (1998)
Toni Giaffaglione, et al. 95/80 (1998)
Tom Hsieh, et al. 94/655 (1995)
Kevin P. Eckard, et al. 92/115 (1995)
Kenneth Orduna, et al. 88/364 (1991)
Thomas Watson, et al. 90/80 (1990)
March Fong Eu, et al. 89/310 (1990)
Bill Huggins, et al. 89/190 (1990)
March Fong Eu, et al. 89/139 (1990)
Norton Younglove, et al. 88/529 (1990)
Larry Ward, et al. 87/458 (1990)
Art Torres, et al. 88/188 (1989)
Dan Shapiro/Friends of Dan Shapiro 87/614 (1989)
Anna Sparks, et al. 84/256 (1986)
Jan Hewitt/Comm. to Reelect Jan Hewitt 83/18 (1984)
Jack O'Connell 83/130 (1984)
Conway Collis, et al. 82/24 (1984)
Bruce Young, et al. 82/01 (1983)
Morton Allen/Mort Allen for City Council 80/58 (1982)
Oscar Klee/Betty Franklin 79/58 (1980)
Willis Edwards 79/49 (1980)

§ 84214. Termination.

Committees and candidates shall terminate their filing obligation pursuant to regulations adopted by the Commission which insure that a committee or candidate will have no activity which must be disclosed pursuant to this chapter subsequent to the termination. Such regulations shall not require the filing of any campaign statements other than those required by this chapter. In no case shall a committee which qualifies solely under subdivision (b) or (c) of Section 82013 be required to file any notice of its termination.

History: Repealed and reenacted as amended by Stats. 1977, Ch. 344, effective August 20, 1977; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Late Contributions; Reports.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18404

Enforcement

Decisions: Fred Zepeda, et al. 96/554 (1997)
Irvine Police Assn., et al. 93/115 (1996)

§ 84215. Campaign Reports and Statements; Where to File.

All candidates, elected officers, committees, and proponents of state ballot measures or the qualifications of state ballot measures, except as provided in subdivision (e), shall file two copies of the campaign statements required by Section 84200 with the clerk of the county in which they are domiciled. A committee is domiciled at the address listed on its campaign statement unless it is domiciled outside California in which case its domicile shall be deemed to be Los Angeles County for the purpose of this section. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers, candidates for these offices, supreme court justices, their controlled committees, committees formed or existing primarily to support or oppose these candidates, elected officers, supreme court justices, or statewide measures, or the qualifications of state ballot measures, and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive:

- (1) The original and one copy with the Secretary of State.
- (2) Two copies with the Registrar-Recorder of Los Angeles County.
- (3) Two copies with the Registrar of Voters of the City and County of San Francisco.

(b) Members of the Legislature or Board of Equalization, court of appeal justices, superior court judges, candidates for those offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or officeholders:

- (1) The original and one copy with the Secretary of State.
- (2) Two copies with the clerk of the county with the largest number of registered voters in the districts affected.

(c) Elected officers in jurisdictions other than legislative districts, Board of Equalization districts or appellate court districts which contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the clerk of the county with the largest number of registered voters in the jurisdiction.

(d) County elected officers, municipal court judges, candidates for such offices, their controlled committees, committees formed or existing primarily

to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (e), and county general purpose committees shall file the original and one copy with the clerk of the county.

(e) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city. These elected officers, candidates, and committees need not file with the clerk of the county in which they are domiciled.

(f) Notwithstanding the above, no committee, candidate, or elected officer shall be required to file more than the original and one copy, or two copies, of a campaign statement with any one county or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.

History: Added by Stats. 1978, Ch. 1408, effective October 1, 1978; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Combination of Pre-election and Semiannual Statements"); amended by Stats. 1982, Ch. 1060; amended by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 490; amended by Stats. 1990, Ch. 581.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18227

§ 84216. Loans.

(a) Notwithstanding Section 82015, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes.

(b) A loan, whether or not there is a written contract for the loan, shall be reported as provided in this section when any of the following apply:

- (1) The loan is a contribution.
- (2) The loan is received by a committee.
- (3) The loan is received by a candidate and is used for political purposes.

(c) For the reporting period in which the loan is received, the due date of the loan, if any, shall be reported in addition to the information required by Section 84211.

(d) For any reporting period in which any part of a loan is repaid or forgiven, the following shall be reported in addition to the information required by Section 84211:

- (1) The original date and source of the loan.
- (2) Any change in the interest rate on the loan.
- (3) The balance owed on the original principal at the end of the reporting period.
- (4) The amount of any forgiveness or repayment of any part of the loan by the lender, by any cosignor or guarantor, or by any other person during the reporting period, and the name, address, occupation, and employer of any such person.

(e) For any calendar year in which any part of the loan is outstanding, the following shall be reported on no more than one campaign statement, as provided by the commission:

- (1) The original date, amount, and source of the loan.
- (2) The balance owed on the principal and interest on the loan at the end of the reporting period.

History: Added by Stats. 1977, Ch. 1119; amended by Stats. 1980, Ch. 289; amended by Stats. 1982, Ch. 29; repealed and reenacted as amended by Stats. 1985, Ch. 899.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18416

Enforcement

Decisions: Tom Bordonaro, Jr., et al. 96/76 (1997)
Peter Navarro; Robin Stark 93/456 (1996)
Arlo Smith, et al. 93/332 (1996)
Kevin P. Eckard, et al. 92/115 (1995)
Leo Bazile, et al. 90/813 (1995)
Bill Huggins, et al. 89/190 (1990)
Dan Shapiro/Friends of Dan Shapiro 87/614 (1989)
Cathie Wright/Wright Comm./Thomasina Criger 81/16 (1982)

§ 84216.5. Loans Made by a Candidate or Committee.

(a) A loan of campaign funds, whether or not there is a written contract for the loan, made by a candidate or committee shall be reported as provided in this section.

(b) For the reporting period in which the loan is made, the date, amount, interest rate, the due date, if any, of the loan shall be reported in addition to the information required by Section 84211.

(c) For any reporting period in which any part of the loan is repaid or forgiven, the following shall be reported in addition to the information required by Section 84211:

- (1) The original date of the loan, and the person to whom the loan was made.

(2) The purpose of the payment, any change in the interest rate, and, if the payment is made by a third party, the name and address of the person making the payment.

(3) The balance owed on the principal at the end of the reporting period.

(4) The amount of any forgiveness of the loan during the reporting period.

(d) For any calendar year in which any part of the loan is outstanding, the following shall be reported on no more than one campaign statement as provided by the Commission:

(1) The original date and amount of the loan, and the name of the person to whom the loan was made.

(2) The balance owed on the principal and interest on the loan at the end of the reporting period.

History: Former Section 84216.5 renumbered 84213 by Stats. 1980, Ch. 289; new section added by Stats. 1985, Ch. 899.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18416

§ 84217. Federal Office Candidates; Places Filed.

When the Secretary of State receives any campaign statement filed pursuant to the Federal Election Campaign Act, (2 U.S.C.A. Section 431 et seq.) the Secretary of State shall send a copy of the statement to the following officers:

(a) Statements of candidates for President, Vice President or United States Senator and committees supporting such candidates - one copy with the Registrar-Recorder of Los Angeles County and one copy with the Registrar of Voters of the City and County of San Francisco;

(b) Statements of candidates for United States Representative in Congress and committees supporting such candidates - one copy with the clerk of the county which contains the largest percentage of the registered voters in the election district which the candidate or any of the candidates seek nomination or election and one copy with the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California the statement shall be sent to the Registrar-Recorder of Los Angeles County. No more than one copy of each statement need be filed with the clerk of any county.

History: Amended by Stats. 1977, Ch. 1095; amended and renumbered Section 84226 by Stats. 1979, Ch. 779. (Formerly Section 84208); amended and renumbered by Stats. 1980, Ch. 289. (Formerly Section 84226.)

References at the time of publication (see page 3):

Opinions: In re Dennis-Strathmeyer (1976) 2 FPPC Ops. 61

§ 84218. Slate Mailer Organization; Semi-Annual Statements.

(a) A slate mailer organization shall file semiannual campaign statements for each period in which it has received payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in a slate mailer, or in which it has expended five hundred dollars (\$500) or more to produce one or more slate mailers. The semiannual statements shall be filed no later than July 31 for the period ending June 30, and no later than January 31, for the period ending December 31.

(b) In addition to the semiannual statements required by subdivision (a), slate mailer organizations shall file preelection statements as follows:

(1) Any slate mailer organization which produces a slate mailer supporting or opposing candidates or measures being voted on in an election held upon the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in Section 84200.7 if, during the period covered by the preelection statement, the slate mailer organization receives payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers, or expends five hundred dollars (\$500) or more to produce one or more slate mailers.

(2) Any slate mailer organization which produces a slate mailer supporting or opposing candidates or measures being voted on in an election held on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in Section 84200.8 if, during the period covered by the preelection statement, the slate mailer organization receives payments totaling five hundred dollars (\$500) or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers, or expends five hundred dollars (\$500) or more to produce one or more slate mailers.

(c) A slate mailer organization shall file two copies of its campaign reports with the clerk of the county in which it is domiciled. A slate mailer organization is domiciled at the address listed on its statement of organization unless it is domiciled outside California, in which case its domicile shall be deemed to be Los Angeles County for purposes of this section.

In addition, slate mailer organizations shall file campaign reports as follows:

(1) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in a state election, or in more than one county, shall file campaign reports in the same manner as state general purpose committees pursuant to subdivision (a) of Section 84215.

(2) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (d) of Section 84215.

(3) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city shall file campaign reports in the same manner as city general purpose committees pursuant to subdivision (e) of Section 84215.

(4) Notwithstanding the above, no slate mailer organization shall be required to file more than the original and one copy, or two copies, of a campaign report with any one county or city clerk or with the Secretary of State.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):

Enforcement

Decisions: United Democratic Campaign Committee, et al. 94/685 (1998)
California Democratic Voter Checklist, et al. 92/687 (1996)
United Democratic Campaign Comm., et al. 88/400 (1992)

§ 84219. Slate Mailer Organization; Semi-Annual Statements; Contents.

Whenever a slate mailer organization is required to file campaign reports pursuant to Section 84218, the campaign report shall include the following information:

(a) The total amount of receipts during the period covered by the campaign statement and the total cumulative amount of receipts. For purposes of this section only, "receipts" means payments received by a slate mailer organization for production and distribution of slate mailers.

(b) The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For purposes of this section only, "disbursements" means payment made by a slate mailer organization for the production or distribution of slate mailers.

(c) For each candidate or committee that is a source of receipts totaling one hundred dollars (\$100)

or more during the period covered by the campaign statement:

(1) The name of the candidate or committee, identification of the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee's identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment is made.

(2) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.

(3) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(d) For each person other than a candidate or committee who is a source of receipts totaling one hundred dollars (\$100) or more during the period covered by the campaign statement:

(1) Identification of the jurisdiction, office or ballot measure, and name of the candidate or measure on whose behalf or in opposition to which the payment was made.

(2) Full name, street address, name of employer or, if self-employed, name of business, of the source of receipts.

(3) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.

(4) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(e) For each candidate or ballot measure not reported pursuant to subdivision (c) or (d), but who was supported or opposed in a slate mailer sent by the slate mailer organization during the period covered by the report, identification of jurisdiction, office or ballot measure, and name of the candidate or measure who was supported or opposed.

(f) The total amount of disbursements made during the period covered by the campaign statement to persons who have received one hundred dollars (\$100) or more.

(g) The total amount of disbursements made during the period covered by the campaign statement to persons who have received less than one hundred dollars (\$100).

(h) For each person to whom a disbursement of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement:

(1) His or her full name.

(2) His or her street address.

(3) The amount of each disbursement.

(4) A brief description of the consideration for which each disbursement was made.

(5) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for a disbursement of one hundred dollars (\$100) or more during the period covered by the campaign statement.

(i) Cumulative disbursements, totaling one thousand dollars (\$1,000) or more, made directly or indirectly to any person listed in the slate mailer organization's statement of organization. For purposes of this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person's immediate family, or if it is made to a business entity in which the person or member of the person's immediate family is a partner, shareholder, owner, director, trustee, officer, employee, consultant, or holds any position of management or in which the person or member of the person's immediate family has an investment of one thousand dollars (\$1,000) or more. This subdivision shall not apply to any disbursement made to a business entity whose securities are publicly traded.

(j) The full name, street address, and telephone number of the slate mailer organization and of the treasurer.

(k) Whenever a slate mailer organization also qualifies as a general purpose committee pursuant to Section 82027.5, the campaign report shall include, in addition to the information required by this section, the information required by Section 84211.

History: Added by Stats. 1987, Ch. 905.

§ 84220. Slate Mailer Organization; Late Payments.

If a slate mailer organization receives a payment of two thousand five hundred dollars (\$2,500) or more for purposes of supporting or opposing any candidate or ballot measure in a slate mailer, and the payment is received at a time when, if the payment were a contribution it would be considered a late contribution, then the slate mailer organization shall report the payment in the manner set forth in Section 84203 for candidates and committees when reporting late contributions received. The slate mailer organization shall, in addition to reporting the information required by Section 84203, identify the candidates or measures whose support or opposition is being paid for, in whole or in part, by each late payment.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):

Enforcement

Decisions: United Democratic Campaign Committee, et al. 94/685 (1998)

Affordable Housing Alliance PAC 94/65 (1997)
United Democratic Campaign Comm., et al. 88/400 (1992)

§ 84221. Slate Mailer Organization; Termination.

Slate mailer organizations shall terminate their filing obligations in the same manner as applies to committees qualifying under subdivision (a) of Section 82013.

History: Added by Stats. 1987, Ch. 905.

§ 84222. Blank.

§ 84223. Blank.

§ 84224. Blank.

§ 84225. Public Employees' Retirement Board Candidates.

(a) For the purposes of this section only, "board" means the Board of Administration of the Public Employees' Retirement System, as established under Article 1 (commencing with Section 20090) of Chapter 2 of Part 3 of Division 5 of Title 2 of the Government Code.

(b) Except as provided in this section, the provisions of this article do not apply to candidates for the board, including incumbent board members running for reelection, as such candidates are described in subdivision (g) of Section 20090.

(c) Candidates for board seats described in subdivision (g) of Section 20090, including incumbent board members running for reelection, shall file campaign statements with the Secretary of State no later than two days before the beginning of the ballot period, as determined by the board, for the period ending five days before the beginning of the ballot period, and no later than January 10, for the period ending December 31.

(1) The campaign statements shall contain an itemized report that is prepared on a form prescribed by the commission, with the assistance of the board, that provides the information contained in campaign statements required under Section 84211 to the extent that the information is applicable to a board election.

(2) The original of a campaign statement shall be filed with the Secretary of State and a copy shall be retained at the board's office in Sacramento and is a public record.

History: Added by Stats. 1998, Ch. 923.

§ 84226. Renumbered. § 84217.

Article 3. Prohibitions.
§ 84300 - 84309

- § 84300. Cash and In-Kind Contributions;
Cash Expenditures.
- § 84301. Contributions Made Under Legal Name.
- § 84302. Contributions by Intermediary or Agent.
- § 84303. Expenditure by Agent or Independent Contractor.
- § 84304. Anonymous Contributions.
- § 84305. Requirements for Mass Mailing.
- § 84305.5. Slate Mailer Identification and Disclaimer Requirements.
- § 84306. Contributions Received by Agents of Candidates or Committees.
- § 84307. Commingling with Personal Funds.
- § 84308. Contributions to Members of Appointed Boards or Commissions; Disqualification.
- § 84309. Transmittal of Campaign Contributions in State Office Buildings.

**§ 84300. Cash and In-Kind Contributions;
Cash Expenditures.**

(a) No contribution of one hundred dollars (\$100) or more shall be made or received in cash.

A cash contribution shall not be deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is refunded within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(b) No expenditure of one hundred dollars (\$100) or more shall be made in cash.

(c) No contribution of one hundred dollars (\$100) or more other than an in-kind contribution shall be made unless in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor or the intermediary, as defined in Section 84302.

(d) The value of all in-kind contributions of one hundred dollars (\$100) or more shall be reported in writing to the recipient upon the request in writing of the recipient.

History: Amended by Stats. 1977, Ch. 1213; amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1979, Ch. 779; amended by Stats. 1980, Ch. 759; amended by Stats. 1996, Ch. 898.

References at the time of publication (see page 3):

Enforcement

Decisions: John Upton, et al. 97/367 (1998)
Ricki Hanyecz, Michael Hanyecz, and Sima Katzir 96/117 (1998)
Brayton, Gisvold & Harley 97/651 (1998)
RV Merchant, Inc. 97/187 (1998)
N & S, Inc., dba Jimmy's Family Restaurant 94/339 (1998)
Blackhawk Corporation 97/633 (1998)
Larry D. Christiani 97/647 (1998)
Louis Perez 95/444 (1998)
Margaret Pryor 94/476 (1998)
Mikan Properties 94/339 (1998)
Ralph Turner 97/660 (1998)
Robert I. Bourseau 95/496 (1998)
Roger Pan 97/527 (1998)
Santee Mobile Estates 94/339 (1998)
Sam Bamieh 97/1 (1997)
Jon Colburn Thomason 96/37 (1997)
Construction Control Services Corp./Dr. Donald Rohadfox 96/2 (1997)
Juanita McDonald, et al. 95/211 (1997)
Agold Corp., et al. 92/483 (1997)
L. Andrew Jeanpierre 97/203 (1997)
Barbara Jefimoff 97/204 (1997)
San Francisco Construction Management, Inc. 96/519 (1997)
Juan Ulloa, et al. 96/77 (1997)
Marie K. Brooks 96/250 (1997)
KWPH Enterprises, Inc., DBA American Ambulance 96/551 (1997)
K.C. Metal Products, Inc. 97/208 (1997)
San Francisco Bay Professional Soccer Club, Inc. 96/188 (1997)
Collishaw Construction, Inc. 95/567 (1996)
Hyatt Sainte Claire 95/539 (1996)
The SWA Group 96/36 (1996)
Gerald F. Sevier, et al. 94/184 (1996)
Bruns Belmont Construction, Inc. 95/567 (1996)
E.I. Industries, Inc. 95/567 (1996)
Devcon Construction, Inc. 96/432 (1996)
Blossom Valley Landscaping, Inc. 95/567 (1996)
Fiscal Funding; Calvin B. Grigsby 94/117 (1996)
Monroe S. Townsend, Jr. 95/216 (1996)
Fakhry F. Kavar 94/22 (1996)
Gatlin Development Co., et al. 94/189 (1996)
303 Almaden Partners; William Wilson & Associates 96/245 (1996)
Green Valley Corp. 95/568 (1996)
Korve Engineering 96/35 (1996)
Elsberg Accountancy 96/187 (1996)
Roger O. Walther 96/415 (1996)
Gresham, Varner, Savage, et al. 95/455
Cox Communications Bakersfield, Inc. 95/538 (1995)
Cox Communications San Diego, Inc. 95/538 (1995)

Hard Rock Cafe America, L.P., et al. 95/28 (1995)
Grand Sunrise, Inc. 94/534 (1995)
J.G. Orbis Corporation and Isao Nakagawa, et al. 94/451 (1995)
Bonnie Wai, et al. 92/286 (1995)
Amanollah Simantob, Zacaria Simantob, et al. 92/279 (1995)
Karen Au 92/286 (1995)
Bell Cab, Inc. 92/278 (1995)
Kevin P. Eckard, et al. 92/115 (1995)
Wilson Riles, Jr., et al. 90/813 (1995)
Santa Nella Partners, et al. 90/341 (1995)
Brett Torino, et al. 90/341 (1995)
Lionel Brazil and Brazil Dairy 90/341 (1995)
Jean P. Sagouspe, Jr., et al. 90/341 (1995)
Mexican American Grocers Association, et al. 92/282 (1994)
California Republican Party, et al. 93/250 (1994)
The Yarmouth Group, et al. 93/337 (1994)
Michael Gallagher 92/567 (1994)
Lionel J. Wilson, et al. 90/813 (1994)
Los Angeles Marathon, Inc., et al. 92/277 (1994)
Wintec, Ltd. 92/110 (1994)
Hoy-Sun Ning Yung Benevolent Association, et al. 94/167 (1994)
William Dallas 90/813 (1993)
Larry Hall and Sagwa Development Corp. 91/418 (1993)
Shakira Karipineni 91/375 (1993)
Willco Associates, John J. Will, & Steve Will 92/543 (1993)
George Robert Hensel 92/246 (1993)
Luis Hernandez, et al. 89/404 (1993)
Arnold Construction Company, et al. 92/110 (1993)
Evergreen America Corporation 93/45 (1993)
G.H. Palmer Assoc. 89/33 (1992)
Carl L. Hysen, et al. 91/10 (1992)
Richard Kuebler 89/44 (1992)
Sunrider Corporation 90/575 (1992)
Traditional Values Coalition 90/230 (1992)
Kenneth Orduna, et al. 88/364 (1991)
Louis Laramore 90/80 (1991)
Investment Building Group 91/120 (1991)
Thomas Watson, et al. 90/80 (1990)
Daniel Benvenuti, Jr. 89/142 (1989)
Griffin Homes 88/528 (1989)
Eppaminondas Johnson 88/258 (1989)
Lia Belli, et al. 84/289 (1988)
Louis Laramore 86/576 (1988)
Gregoire Calegarj 84/300 (1987)
Quentin Kopp/Friends of Quentin Kopp 84/300 (1987)
Linda Nelson/Friends of Linda Nelson 84/295 (1987)
A. Ron Rhone/Friends of A. Ron Rhone 84/237 (1987)
Roque De La Fuente 84/40 (1985)
Lucy Killea/M. Larry Lawrence 83/16 (1984)
Richard Polanco/Friends of Richard Polanco 82/22 (1984)
Cathie Wright/Wright Comm/Thomasina Criger 81/16 (1982)
Bill Press/Gen Pres Offshore Comm/Jack Ormes 80/80 (1982)

Doug Carter/Friends of Doug Carter 78/121 (1981)
Oliver Speraw/Speraw for State Sen/Murchison 80/14 (1980)
Quentin Kopp/Friends of Kopp Comm. 79/57 (1980)

§ 84301. Contributions Made Under Legal Name.

No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

References at the time of publication (see page 3):

Enforcement

Decisions: California Waste Removal Systems, Inc. 97/252 (1998)
Brayton, Gisvold & Harley 97/651 (1998)
N & S, Inc., dba Jimmy's Family Restaurant 94/339 (1998)
Ricki Hanvecz, Michael Hanvecz, and Sima Katzir 96/117 (1998)
RV Merchant, Inc. 97/187 (1998)
Blackhawk Corporation 97/633 (1998)
Larry D. Christiani 97/647 (1998)
Mikan Properties 94/339 (1998)
Ralph Turner 97/660 (1998)
Roger Pan 97/527 (1998)
Santee Mobile Estates 94/339 (1998)
Sam Bamieh 97/1 (1997)
Jon Colburn Thomason 96/37 (1997)
Construction Control Services Corp./Dr. Ronald Rohadfox 96/2 (1997)
Agold Corp., et al. 92/483 (1997)
San Francisco Construction Management, Inc. 96/519 (1997)
Marie K. Brooks 96/250 (1997)
KWPH Enterprises, Inc., DBA, American Ambulance 96/551 (1997)
K.C. Metal Products, Inc. 97/208 (1997)
San Francisco Bay Professional Soccer Club, Inc. 96/188 (1997)
Devcon Construction, Inc. 96/432 (1996)
Collishaw Construction, Inc. 95/567 (1996)
Blossom Valley Landscaping, Inc. 95/567 (1996)
Hyatt Sainte Claire 95/539 (1996)
Gatlin Development Co., et al. 94/189 (1996)
Green Valley Corp. 95/568 (1996)
303 Almaden Partners; William Wilson & Associates 96/245 (1996)
Gresham, Varner, Savage, et al. 95/455 (1996)
E.I. Industries, Inc. 95/567 (1996)
Roger O. Walther 96/415 (1996)
Bruns Belmont Construction, Inc. 95/567 (1996)
Elsberg Accountancy 96/187 (1996)
Fakhry F. Kavar 94/22 (1996)
Korve Engineering 96/35 (1996)
The SWA Group 96/36 (1996)
Fiscal Funding; Calvin B. Grigsby 94/117 (1996)
Cox Communications Bakersfield, Inc. 95/538 (1995)

Cox Communications San Diego, Inc. 95/538 (1995)
Richard K. Barry et al. 95/82 (1995)
Hard Rock Cafe America, L.P., et al. 95/28 (1995)
San Francisco Forty-Niners, et al. 94/657 (1995)
Joseph L. Ling 94/656 (1995)
Grand Sunrise, Inc. 94/534 (1995)
Tse Family Association, et al. 94/460 (1995)
J.G. Orbis Corporation and Isao Nakagawa, et al. 94/451 (1995)
Louie's General and Electrical Const., et al. 94/450 (1995)
Cedar Valley Holding Company 94/22 (1995)
Karen Au 92/286 (1995)
Amanollah Simantob, Zacaria Simantob, et al. 92/279 (1995)
Santa Nella Partners, et al. 90/341 (1995)
Bell Cab, Inc. 92/278 (1995)
Brett Torino, et al. 90/341 (1995)
California Republican Party, et al. 93/250 (1994)
Mexican American Grocers Association, et al. 92/282 (1994)
The Yarmouth Group, et al. 93/337 (1994)
Michael Gallagher 92/567 (1994)
Lionel J. Wilson, et al. 90/813 (1994)
Los Angeles Marathon, Inc., et al. 92/277 (1994)
Wintec, Ltd. 92/110 (1994)
Hoy-Sun Ning Yung Benevolent Association, et al. 94/167 (1994)
First City Developments Corp. 92/283 (1993)
William Dallas 90/813 (1993)
Larry Hall and Sagwa Development Corp. 91/418 (1993)
Shakira Karipineni 91/375 (1993)
James Tong 91/376 (1993)
John Wong 91/376 (1993)
Robert Shannon 91/376 (1993)
Willco Associates, John J. Will, & Steve Will 92/543 (1993)
George Robert Hensel 92/246 (1993)
Arnold Construction Company, et al. 92/110 (1993)
Evergreen America Corporation 93/45 (1993)
G.H. Palmer Assoc. 89/33 (1992)
Tom Nagakawa 91/425 (1992)
Sunrider Corporation 90/575 (1992)
Louis Laramore 90/80 (1991)
Investment Building Group 91/120 (1991)
J. Joseph Vandervoort 89/471 (1990)
F.E.A Logistics 88/364 (1990)
Daniel Benvenuti, Jr. 89/142 (1989)
Paul H. Snider, Florin Road Toyota 88/259 (1989)
Eppaminondas Johnson 88/258 (1989)
Lia Belli, et al. 84/298 (1988)
Clifton S. Jones, Jr. 88/56 (1988)
Louis Laramore 88/576 (1988)
Andrew Fitzmorris /G. Bergeron /C. Bergeron 83/14 (1986)
Roque De La Fuente 84/40 (1985)
Bruce Ashwill 84/43 (1985)

§ 84302. Contributions by Intermediary or Agent.

No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18432.5

Enforcement

Decisions: Albert Robles 95/39 (1998)
Lucille Nelson 95/464 (1998)
Robert I. Bourseau 95/496 (1998)
Agold Corp., et al. 92/483 (1997)
Monroe S. Townsend, Jr. 95/216 (1996)
Gresham, Varner, Savage, et al. 95/455 (1996)
James Fang, et al. 94/658 (1995)
San Francisco Forty-Niners, et al. 94/657 (1995)
Asia Pacific Investments and Developments 94/534 (1995)
Asia Pacific Realty 94/534 (1995)
Tse Family Association, et al. 94/460 (1995)
Lionel Brazil and Brazil Dairy 90/341 (1995)
Jean P. Sagouspe, Jr., et al. 90/341 (1995)
Amanollah Simantob, Zacaria Simantob, et al. 92/279 (1995)
Mexican American Grocers Association, et al. 92/282 (1994)
Los Angeles Marathon, Inc., et al. 92/277 (1994)
Chi May Chen 93/75 (1993)
Sue Associates and Amy Sue 90/813 (1993)

§ 84303. Expenditure by Agent or Independent Contractor.

No expenditure shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

History: Amended by Stats. 1984, Ch. 161.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18431

Enforcement

Decisions: Californians for Fair Business Practices, et al. 95/464 (1998)
Charles W. Quackenbush, et al. 94/633 (1997)
Arlo Smith, et al. 93/332 (1996)
Gerald F. Sevier, et al. 94/184 (1996)
Frank M. Jordan, et al. 94/654 (1996)
Jerold L. Turner, et al. 94/240 (1995)
Charles Calderon, et al. 91/159 (1995)
Taxpayers for Common Sense, et al. 92/514 (1994)
Angela "Bav" Buchanan, et al. 92/52 (1994)
No on 128 - The Hayden Initiative, et al. 92/433 (1994)
Taxpayers for Common Sense, et al. 92/514 (1994)
Good Driver Initiative, et al. 90/620 (1992)
Dianne Feinstein, et al. 90/819 (1992)
Pete Wilson, et al. 92/492 (1992)
March Fong Eu, et al. 89/139 (1990)
Cit. for a Livable L.A., et al. 88/384 (1990)
William Campbell, et al. 88/210 (1990)
Richard Brann 88/109 (1990)
Dan O'Keefe, et al. 80/23 (1980)
Oliver Speraw/Speraw for State Sen/Murchison 80/14 (1980)

§ 84304. Anonymous Contributions.

No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

History: Amended by Stats. 1978, Ch. 650.

Enforcement

Decisions: Kenneth Orduna, et al. 88/364 (1991)

§ 84305. Requirements for Mass Mailing.

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 1106; amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1978, Ch. 1408, effective October 1, 1978; amended by Stats. 1984, Ch. 1368; amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18435

Opinions: In re Juvinal, Stull, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Valdez (1976) 2 FPPC Ops. 21

Enforcement

Decisions: Friends of the Albany Waterfront, et al. 96/262 (1998)
Tom Bamert, et al. 96/660 (1998)
Californians for Fair Business Practices, et al. 95/464 (1998)
Jane Brunner, et al. 96/190 (1998)
Moragans for Moraga 97/275 (1998)
Alliance to Revitalize CA, Com. for Props. 200, 201 and 202, et al. 96/89 (1997)
So. CA Advance Team 95/464 (1997)
Joan Davidson, et al. 95/590 (1997)
Herschel Rosenthal, et al. 92/389 (1996)
California Republican Party, et al. 94/77 (1996)
David Roberti, et al. 92/271 (1995)
Carmen Sabatino 90/369 (1993)
Leon D. Ralph, et al. 90/572 (1993)
George Robert Hensel 92/246 (1993)
Jan Hall, et al. 88/95 (1992)
Stan Kawczynski 91/31 (1992)
Richard Kuebler 89/44 (1992)
Abbe Wolfsheimer, et al. 89/417 (1992)
Riverside Tomorrow, et al. 88/239 (1991)
Daniel Grisct, et al. 88/442 (1991)
Don Knabe, et al. 88/564 (1991)
Richard Vineyard 90/205 (1991)
Jeff Markham, et al. 90/547 (1991)
Alliance for Mission Viejo, et al. 90/163 (1990)
Cit. Against More Traffic, et al. 89/221 (1990)
Calif Judges Assn, et al. 89/186 (1990)
Wilson Hart, et al. 89/95 (1990)
Leisure Technology 88/573 (1990)
George Kasolas, et al. 88/530 (1990)
Comm. For Fair Lawyers Fee, et al. 88/247 (1990)
Edward Vincent 87/127 (1990)
Barbara Riordan, et al. 88/583 (1989)
Larry Valente/Friends of Larry Valente Comm. 88/552 (1989)
Art Agnos 88/398 (1989)
San Diegans for Bob Filner, Robert Filner 87/529 (1989)
Myra Kopf/Com/David Looman/PatriciaWizeman 86/560 (1989)
Larry Walker/Gary Ayala/Ruben Ayala 86/435 (1988)

Marcial "Rod" Rodriguez/Comm. 86/71 (1987)
Trice Harvey/Comm./Mike Abernathy 86/512 (1987)
Richard Woolstrum/Friends of Woolstrum/Randi Meyer 86/342 (1987)
Anna Sparks, et al. 84/256 (1986)
Phil Greer 84/114 (1985)
Paul Carpenter 84/296 (1985)
Jan Hewitt/Comm. to Reelect Jan Hewitt 83/18 (1984)
Rubin for Judge Committee 83/02 (1984)
Bruce Young, et al. 82/01 (1983)
Arthur Forcier/Shirley Wechsler 81/02 (1982)
Yes on Prop. 2 Comm. 79/82 (1982)
Republican State Central Comm. of CA 80/26 (1980)

§ 84305.5. Slate Mailer Identification and Disclaimer Requirements.

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), **NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION.** Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an *. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an *.

The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(6) Any candidate endorsement appearing in the slate mailer that differs from the official endorsement of the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the endorsement, in no less than 9-point roman boldface type which shall be in a color or print that contrasts with the background so as to be easily legible, the following notice: **THIS IS NOT THE POSITION OF THE** (political party which the mailer appears by representation or indicia to represent) **PARTY.**

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily

formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

History: Amended by Stats. 1987, Ch. 905; amended by Stats. 1991, Ch. 403; amended by Stats. 1992, Ch. 1143; amended by Stats. 1993, Ch. 472; amended by Stats. 1994, Ch. 923; amended by Stats. 1996, Ch. 893; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Enforcement

Decisions: United Democratic Campaign Committee, et al. 94/685 (1998)
Affordable Housing Alliance PAC 94/65 (1997)
United Democratic Campaign Committee, et al. 88/400 (1992)

§ 84306. Contributions Received by Agents of Candidates or Committees.

All contributions received by a person acting as an agent of a candidate shall be reported promptly to the candidate or any of his or her designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly to the committee's treasurer or any of his or her designated agents. "Promptly" as used in this section means not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.1

Enforcement

Decisions: John Furtak 90/80 (1992)
Taxpayers Against Crime & Violence, et al. 83/365 (1986)
Andres Mendez 83/15 (1984)
Bill Press/Gen Pres Offshore Comm./Jack Ormes 80/80 (1982)

§ 84307. Commingling with Personal Funds.

No contribution shall be commingled with the personal funds of the recipient or any other person.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Enforcement

Decisions: Andres Mendez 83/15 (1984)

§ 84308. Contributions to Members of Appointed Boards or Commissions; Disqualification.

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition

shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

History: Added by Stats. 1982, Ch. 1049; amended by Stats. 1984, Ch. 1681, effective September 30, 1984; amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18438
2 Cal. Code of Regs. Section 18438.1
2 Cal. Code of Regs. Section 18438.2
2 Cal. Code of Regs. Section 18438.3
2 Cal. Code of Regs. Section 18438.4
2 Cal. Code of Regs. Section 18438.6
2 Cal. Code of Regs. Section 18438.7
2 Cal. Code of Regs. Section 18438.8

Opinions: In re Curiel (1983) 8 FPPC Ops. 1

Enforcement

Decisions: Shelley Doran 96/541 (1997)
Tun S. Tan 96/541 (1997)
Michael Woo 88/417 (1990)
Tom Bradley 88/417 (1990)
Charles Santana 87/216 (1988)

§ 84309. Transmittal of Campaign Contributions in State Office Buildings.

(a) No person shall receive or personally deliver or attempt to deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office.

(b) For purposes of this section:

(1) "Personally deliver" means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.

(2) "Receive" includes the receipt of a campaign contribution delivered in person.

History: Added by Stats. 1982, Ch. 920

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18439

Enforcement

Decisions: Grant Kenyon 86/480 (1988)

Article 4. Exemptions. § 84400

§ 84400. Exemptions.

§ 84400. Exemptions.

Notwithstanding any other provision of the law, the Commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

History: Added by Stats. 1977, Ch. 403.

Chapter 4.6. Online Disclosure.
§ 84600 - 84610

- § 84600. Online Disclosure.
- § 84601. Public Access.
- § 84602. Secretary of State's Duties.
- § 84603. Acceptance of Reports.
- § 84604. Online Disclosure Program.
- § 84605. Who Shall File Online.
- § 84606. Operation of Online System.
- § 84607. Prohibition Against Political or Campaign Use.
- § 84609. Candidate and Ballot Measure Committees.
- § 84610. Appropriation.

§ 84600. Online Disclosure.

This chapter may be known and may be cited as the Online Disclosure Act of 1997.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84601. Public Access.

The Legislature finds and declares as follows:

(a) The people of California enacted one of the nation's most comprehensive campaign and lobbying financial disclosure laws when they voted for Proposition 9, the Political Reform Act of 1974, an initiative statute.

(b) Public access to campaign and lobbying disclosure information is a vital and integral component of a fully informed electorate.

(c) Advances in technology have made it viable for disclosure statements and reports required by the Political Reform Act to be filed online and placed on the Internet, thereby maximizing availability to the public.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84602. Secretary of State's Duties.

To implement the Legislature's intent, the Secretary of State, in consultation with the Fair Political Practices Commission, notwithstanding any other provision of this title or any other provision of the Government Code, shall do all of the following:

(a) Develop an online filing process for use by persons and entities specified in Sections 84604 and 84605 required to file statements and reports with the Secretary of State's office pursuant to Chapter 4 (commencing with Section 84100), and Chapter 6 (commencing with Section 86100). As part of that process, the Secretary of State shall define a nonproprietary standardized record format or formats

using industry standards for the transmission of the data required of those persons and entities specified in subdivision (a), and which conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings prior to development of the record format as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than September 1, 1999, to ensure sufficient time to comply with the requirements of this chapter.

(b) Accept test files, from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to subdivision (a) and is compatible with the Secretary of State's system for receiving the data. A list of software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter.

(c) Develop a system that provides for the online transfer of the data specified in this section utilizing telecommunications technology, which assures the integrity of the data transmitted, and creates safeguards against efforts to tamper with or subvert the data.

(d) Make all the data filed online available on the largest, nonproprietary, nonprofit, cooperative public network of computer networks in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. All late contribution and late independent expenditure reports, as defined by Sections 84208 and 84204, respectively, shall be made available online within 24 hours of receipt. The data made available shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms.

(e) Develop a procedure for filers to comply with the requirement that they sign under penalty of perjury pursuant to Section 81004.

(f) Maintain all filed data online for 10 years after the date it is filed, and then archive the information in a secure format.

(g) Provide assistance to those seeking public access to the information.

(h) Consult with the Department of Information Technology and implement sufficient technology to seek to prevent unauthorized alteration or

manipulation of the data. The online disclosure system shall not become operative until the Department of Information Technology approves the system.

(i) Provide the commission with necessary information to enable it to assist agencies, public officials, and others, with the compliance and administration of this title.

(j) Report to the Legislature on the implementation and development of the online filing and disclosure requirements of this chapter. The report shall include an examination of system security, private security issues, software availability, compliance costs to filers, and other issues, relating to this chapter, recommending appropriate changes if necessary. In preparing the report, the commission may present the Secretary of State and the Legislature its comments regarding this chapter as it relates to the duties of the commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, and one due no later than June 1, 2001.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84603. Acceptance of Reports.

The Secretary of State, once all state-mandated development, procurement, and oversight requirements have been met, shall make public their availability to accept reports online. Any filer may then commence voluntarily filing online any required report or statement that is otherwise required to be filed with the Secretary of State pursuant to Chapter 4 (commencing with Section 84100) or Chapter 6 (commencing with Section 86100) of this title.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84604. Online Disclosure Program.

(a) The Secretary of State shall implement an online disclosure program in connection with the 2000 state primary election and the lobbying activities specified in paragraph (4). Entities specified in paragraphs (1), (2), and (3) shall commence online disclosure with the first preelection statement for the period ending March 17, 2000, and shall continue to disclose online all required reports and statements up until and including the semiannual statement for the period ending June 30, 2000. Entities specified in paragraph (4) shall commence online disclosure with the quarterly report for the period ending March 31, 2000, and shall continue to disclose online all required reports and statements up to and including the quarterly report for the period ending June 30, 2000. The entities subject to this section are the following:

(1) Any candidate, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective office or state measure appearing on the June 2000 ballot, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made or received is one hundred thousand dollars (\$100,000) or more.

(2) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section 85203, that cumulatively receive contributions or make expenditures totaling one hundred thousand dollars (\$100,000) or more to support or oppose candidates for any elective state office or state measure appearing on the June 2000 ballot.

(3) Any slate mailer organization with cumulative reportable payments received or made for the purposes of producing slate mailers of one hundred thousand dollars (\$100,000) or more in connection with the June 2000 election.

(4) Any lobbyist, lobbying firm, lobbyist employer or other persons required, pursuant to Chapter 6 (commencing with Section 86100) to file statements, reports, or other documents provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is one hundred thousand dollars (\$100,000) or more in a calendar quarter.

(b) Filers specified in subdivision (a) shall also continue to file required disclosure forms in paper format. The paper copy shall continue to be the official version for audit and other legal purposes. Committees and other persons that are not required to file online by this section may voluntarily file online.

(c) The Secretary of State shall also disclose online any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204 respectively, not covered by subdivision (a).

(d) It shall be presumed that online filers file under penalty of perjury.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84605. Who Shall File Online.

Beginning on July 1, 2000, and for all applicable reporting periods thereafter, the following persons shall file online with the Secretary of State:

(a) Any candidate, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective

office or state measure, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made or received is fifty thousand dollars (\$50,000) or more in an election cycle. In determining the cumulative reportable amount, all controlled committees, as defined by Section 82016, and officeholder accounts, as defined by Section 85313, shall be included.

(b) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section 85203, that cumulatively receive contributions or make expenditures totaling fifty thousand dollars (\$50,000) or more in an election cycle to support or oppose candidates for any elective state office or state measure.

(c) Any slate mailer organization with cumulative reportable payments received or made for the purposes of producing slate mailers of fifty thousand dollars (\$50,000) or more in an election cycle.

(d) Any lobbyist, lobbying firm, lobbyist employer or other persons required, pursuant to Chapter 6 (commencing with Section 86100), to file statements, reports, or other documents provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is five thousand dollars (\$5,000) or more in a calendar quarter.

(e) The Secretary of State shall also disclose online any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204 respectively, not covered by subdivision (a), (b), or (c).

(f) Committees and other persons that are not required to file online by this section may voluntarily file online.

(g) Once a person or entity is required to file online, subject to subdivision (a), (b), (c), or (d), they shall be required to file all subsequent reports online.

(h) It shall be presumed that online filers file under penalty of perjury.

(i) Persons filing electronically shall also continue to file required disclosure statements and reports in paper format. The paper copy shall continue to be the official filing for audit and other legal purposes until such time that the Secretary of State, pursuant to Section 84606, determines the system is operating securely and effectively.

(j) The Secretary of State shall maintain at all times a secured, official version of all original electronically filed statements and reports required by

this chapter. Upon determination by the Secretary of State, pursuant to Section 84606, that the system is operating securely and effectively, this electronic version shall be the official version for audit and other legal purposes.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84606. Operation of Online System.

The Secretary of State shall determine and publicly disclose when the online disclosure system is operating effectively. In making this determination, the Secretary of State shall consult with the commission, the Department of Information Technology, and any other appropriate public or private entity. Upon this determination, filers required by this chapter to file online will no longer be required to file a paper format or with local filing officers. Furthermore, the date that a filer transmits an online report shall be the date the filed report is received by the Secretary of State.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84607. Prohibition Against Political or Campaign Use.

Pursuant to Section 8314, no employee or official of a state or local government agency shall utilize, for political or campaign purposes, public facilities or resources to retrieve or maintain any of the data produced by the requirements of this chapter.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84609. Candidate and Ballot Measure Committees.

All candidates and ballot measure committees who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a statewide elective office or state measure appearing on the November 1998 ballot shall provide at the time of filing, in addition to a paper submission, a copy of the required report on computer disk in either an ASCII or PDF format with documentation detailing the field layout or file structure. Filers who submit computer disks which are not readable, cannot be copied, or do not have documentation have not complied with the requirements of this section. Candidate and measure committees who make their report available on the Internet through the Secretary of State's office are not required to file the report on computer disk. The Secretary of State shall make copies available to the public, upon payment of fees covering direct costs of

duplication, or a statutory fee, if applicable. The Secretary of State shall also disclose online, any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204 respectively, filed in connection with any elective state office or ballot measure appearing on the November 1998 ballot.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84610. Appropriation.

There is hereby appropriated from the General Fund of the state to the Secretary of State the sum of one million one hundred thousand dollars (\$1,100,000) for the purposes of developing the online disclosure system provided by this chapter and reimbursing local agencies for any costs they incur in the development of this system.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

Chapter 5. Limitations on Contributions.

§ 85100 - 85307

(Proposition 73 of the June 1988 Statewide Primary Election; see introductory note.)

- Article 1. Applicability and Definitions.
§ 85100 - 85104
- 2. Candidacy. § 85200 - 85202
- 3. Contribution Limitations. § 85300 - 85307
- 4. Gifts and Honoraria. § 85400 [Repealed].
- 5. Blank.
- 6. Blank.
- 7. Blank.
- 8. Limitations on the Use of Campaign Funds. § 85800 - 85807 [Repealed].

Article 1. Applicability and Definitions.

§85100 - 85104

- § 85100. Chapter Title.
- § 85101. Effect on Local Ordinances.
- § 85102. Terms Used in Chapter 5.
- § 85103. Amendment or Repeal of Chapter.
- § 85104. Operative Date.

§ 85100. Chapter Title.

This chapter shall be known and cited as the "Campaign Contribution Limits Without Taxpayer Financing Amendments to the Political Reform Act."

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

§ 85101. Effect on Local Ordinances.

(a) Nothing in this chapter shall affect the validity of a campaign contribution limitation in effect on the operative date of this chapter which was enacted by a local governmental agency and imposes lower contribution limitations.

(b) Nothing in this chapter shall prohibit a local governmental agency from imposing lower campaign contribution limitations for candidates for elective office in its jurisdiction.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

§ 85102. Terms Used in Chapter 5.

The following terms as used in this chapter have the following meanings:

(a) "Fiscal year" means July 1 through June 30.
 (b) "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and labor organization.

(c) "Political committee" means a committee of persons who receive contributions from two or more persons and acting in concert makes contributions to candidates.

(d) "Broad based political committee" means a committee of persons which has been in existence for more than six months, receives contributions from one hundred or more persons, and acting in concert makes contributions to five or more candidates.

(e) "Public moneys" has the same meaning as defined in Section 426 of the Penal Code.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1994, Ch. 1010.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18502

§ 85103. Amendment or Repeal of Chapter.

The provisions of Section 81012 shall apply to the amendment of this chapter.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

§ 85104. Operative Date.

The provisions of this chapter shall become operative on January 1, 1989.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

Article 2. Candidacy.

§ 85200 - 85202

- § 85200. Statement of Intention to be a Candidate.

- § 85201. Campaign Bank Account.
- § 85202. Contributions to Candidates; Trust for Specific Office. [Repealed].

§ 85200. Statement of Intention to be a Candidate.

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office shall file with the Secretary of State an original statement, signed under penalty of perjury, of intention to be a candidate for a specific office.

For purposes of this section, “contribution” and “loan” do not include any payments from the candidate’s personal funds for a candidate filing fee or a candidate statement of qualifications fee.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1991, Ch. 1078; amended by Stats. 1996, Ch. 289; amended by Stats. 1997, Ch. 394

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18521
- 2 Cal. Code of Regs. Section 18522
- 2 Cal. Code of Regs. Section 18531.4
- 2 Cal. Code of Regs. Section 18535

§ 85201. Campaign Bank Account.

(a) Upon the filing of the statement of intention pursuant to Section 85200, the individual shall establish one campaign contribution account at an office of a financial institution located in the state.

(b) Upon the establishment of an account, an original statement setting forth the name of the financial institution, the specific location, and the account number shall be filed with the Secretary of State within 10 days, except as provided by subdivision (h).

(c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate’s controlled committee shall be deposited in the account.

(d) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.

(e) All campaign expenditures shall be made from the account.

(f) Subdivisions (d) and (e) do not apply to a candidate’s payment for a filing fee and statement of qualifications from his or her personal funds.

(g) This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal funds of less than one thousand dollars (\$1,000) in a calendar year to support his or her candidacy. For purposes of this

section, a candidate’s payment for a filing fee and statement of qualifications shall not be included in calculating the total expenditures made.

(h) Before expending one thousand dollars (\$1,000) or more in a calendar year, any candidate who does not establish a campaign contribution account pursuant to subdivision (g) shall establish one campaign contribution account at an office of a financial institution located in the state and file the information required in the manner prescribed in subdivision (b) with the Secretary of State within five days of establishing the account.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1990, Ch. 387; amended by Stats. 1991, Ch. 1078; amended by Stats. 1996, Ch. 289; amended by Stats. 1997, Ch. 394.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18521
- 2 Cal. Code of Regs. Section 18522
- 2 Cal. Code of Regs. Section 18523
- 2 Cal. Code of Regs. Section 18523.1
- 2 Cal. Code of Regs. Section 18524
- 2 Cal. Code of Regs. Section 18525
- 2 Cal. Code of Regs. Section 18526
- 2 Cal. Code of Regs. Section 18531.4
- 2 Cal. Code of Regs. Section 18535

Enforcement

- Divisions: J. Stanley Sanders, et al. 94/711 (1998)
- Al Cobos 97/326 (1998)
- Margaret Pryor 94/476 (1998)
- Toni Giffoglionone, et al. 95/80 (1998)
- Charles W. Quackenbush, et al. 94/633 (1997)
- Arlo Smith, et al. 93/332 (1996)
- Kevin P. Eckard, et al. 92/115 (1995)
- Gloria McColl, et al. 91/446 (1993)

§ 85202. Contributions to Candidates; Trust for Specific Office. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1989, Ch. 303; repealed by Stats. 1990, Ch. 84.

Article 3. Contribution Limitations. § 85300 - 85307

- § 85300. Public Funds; Prohibition.
- § 85304. Prohibition on Transfers. [See history note]
- § 85305. Contribution Limitations During Special or Special Runoff Election Cycles.
- § 85307. Loans; Contribution Limitations.

§ 85300. Public Funds; Prohibition.

No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18530

§ 85304. Prohibition on Transfers. [See history note]

No candidate for elective office or committee controlled by that candidate or candidates for elective office shall transfer any contribution to any other candidate for elective office. Transfers of funds between candidates or their controlled committees are prohibited.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; see introductory note. This section was found to be unconstitutional by the U.S. Ninth Circuit Court of Appeals in the case of Service Employees International Union, et al. v. Fair Political Practices Commission (1992) 955 F.2d 1312, cert. den. 505 U.S. 1230 to the extent it prohibits transfers of campaign funds between a candidate's own committees. The same case held that this section is also unconstitutional to the extent it prohibits a candidate from transferring funds to another candidate where there is no valid system of campaign contribution limits in effect. [Proposition 73 of the June 1988 Statewide Primary Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18523
2 Cal. Code of Regs. Section 18523.1
2 Cal. Code of Regs. Section 18531.4
2 Cal. Code of Regs. Section 18535
2 Cal. Code of Regs. Section 18539

§ 85305. Contribution Limitations During Special or Special Runoff Election Cycles.

(a) This Section shall only apply to candidates who seek elective office during a special election or a special runoff election.

(b) As used in this Section, the following terms have the following meanings.

(1) "Special election cycle" means the day on which the office becomes vacant until the day of the special election.

(2) "Special runoff election cycle" means the day after the special election until the day of the special runoff election.

(c) Notwithstanding Section 85301 or 85303 the following contribution limitations shall apply during special election cycles and special runoff election cycles.

(1) No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or

accept any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by the candidate, to exceed one thousand dollars (\$1,000) during any special election cycle or special runoff election cycle.

(2) No political committee shall make, and no candidate or campaign treasurer, shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee to that candidate for elective office or any committee controlled by that candidate to exceed two thousand five hundred dollars (\$2,500) during any special election cycle or special runoff election cycle.

(3) No broad based political committee or political party shall make and no candidate or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee or political party to that candidate or any committee controlled by that candidate to exceed five thousand dollars (\$5,000) during any special election cycle or special runoff election cycle.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; see introductory note.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531
2 Cal. Code of Regs. Section 18531.4
2 Cal. Code of Regs. Section 18532
2 Cal. Code of Regs. Section 18533
2 Cal. Code of Regs. Section 18535
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18539

Enforcement

Decisions: Keith McDonald, et al. 96/1 (1997)

§ 85307. Loans; Contribution Limitations.

The provisions of this article regarding loans shall apply to extensions of credit, but shall not apply to loans made to the candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

References at the time of publications (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531.4

§ 85320. Foreign Entities.

(a) No foreign government or foreign principal shall make any contribution, expenditure, or independent expenditure in connection with the

qualification or support of, or opposition to, any state or local initiative, recall, or referendum measure.

(b) No person and no committee shall solicit or accept a contribution from a foreign government or foreign principal in connection with the qualification or support of, or opposition to, any state or local initiative, recall, or referendum measure.

(c) For purposes of this section, a foreign principal is a person defined in 22 U.S.C. 611(b).

(d) This section shall not prohibit a contribution, expenditure, or independent expenditure made by a domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the corporation who is a United States citizen or lawfully admitted permanent resident.

(e) Any person who violates this section shall be guilty of a misdemeanor and shall be fined an amount equal to the amount contributed or expended.

History: Added by Stats. 1997, Ch. 67.

Article 4. Gifts and Honoraria. § 85400

§ 85400. Limitations on Gifts and Honoraria. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election.

Article 5. Blank

Article 6. Blank.

Article 7. Blank.

Article 8. Limitations on the Use of Campaign Funds. § 85800- 85807 [Repealed]

Chapter 6. Lobbyists. § 86100 - 86300

Article 1. Registration and Reporting.

§ 86100 - 86118

2. Prohibitions. § 86200 - 86205

3. Exemptions. § 86300

Article 1. Registration and Reporting. § 86100 - 86118

§ 86100. Registration.

§ 86101. Registration; Time.

§ 86102. Registration Fees.

§ 86103. Lobbyist Certification;
Requirements.

§ 86104. Lobbying Firm; Registration
Requirements.

§ 86105. Lobbyist Employer; Registration
Requirements.

§ 86106. Renewal of Registration.

§ 86107. Registration Statement;
Amendment; Termination.

§ 86108. Registration Statement; Publication.

§ 86109. Directory of Lobbyists, Lobbying
Firms and Lobbyist Employers.

§ 86110. Recordkeeping.

§ 86111. Activity Expense; Agency Official.

§ 86112. Activity Expenses; Reporting.

§ 86112.3. Invitations.

§ 86112.5. Notification to Beneficiary of a Gift.

§ 86113. Periodic Reports; Lobbyists;
Contents.

§ 86114. Periodic Reports; Lobbying Firms;
Contents.

§ 86115. Periodic Reports; Employers and
Others.

§ 86116. Periodic Reports; Employers and
Others; Contents.

§ 86116.5. Periodic Reports; State and Local
Government Agencies.

§ 86117. Periodic Reports; Filing; Time.

§ 86118. Periodic Reports; Where to File.

§ 86100. Registration.

(a) Individual lobbyists shall prepare lobbyist certifications pursuant to Section 86103 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer, or employee or as part of the registration of the lobbyist employer by which the lobbyist is employed.

(b) Lobbying firms shall register with the Secretary of State.

(c) Lobbyist employers as defined in subdivision (a) of Section 82039.5 shall register with the Secretary of State.

(d) Lobbyist employers as defined in subdivision (b) of Section 82039.5 and persons described in subdivision (b) of Section 86115 are not required to register with the Secretary of State but shall file statements pursuant to this article.

History: Amended by Stats. 1983, Chapter 209; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Registration with Secretary of State.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18601

§ 86101. Registration; Time.

Every lobbying firm and lobbyist employer who is required to file a registration statement under this chapter shall register with the Secretary of State no later than 10 days after qualifying as a lobbying firm or lobbyist employer.

History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Requirement of Registration.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18601

§ 86102. Registration Fees.

Each lobbying firm and lobbyist employer required to file a registration statement under this chapter may be charged not more than twenty-five dollars (\$25) per year for each lobbyist required to be listed on its registration statement.

History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Renewal of Registration.")

References at the time of publication (see page 3):

Regulations: 2 Cal Code of Regs. Section 18601

Enforcement

Decisions: Alvar Yelvington 79/21 (1980)

§ 86103. Lobbyist Certification; Requirements.

A lobbyist certification shall include all of the following:

(a) A recent photograph of the lobbyist, the size of which shall be prescribed by the Secretary of State.

(b) The full name, business address, and telephone number of the lobbyist.

(c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.

(d) (1) In the case of a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, a statement that the lobbyist has completed, within the previous 12 months or will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8956. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year, the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course no later than June 30 of the following year, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to

do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating that he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.

(2) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist's completion of the ethics course, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.

(e) Any other information required by the commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1984, Ch. 161; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Registration Statement; Amendment; Termination"); amended by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 391; amended by Stats. 1995, Ch. 346; amended by Stats. 1997, Ch. 574.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18601

Opinions: In re Evans (1978) 4 FPPC Ops. 54

§ 86104. Lobbying Firm; Registration Requirements.

The registration of a lobbying firm shall include:

(a) The full name, business address, and telephone number of the lobbying firm.

(b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.

(c) The lobbyist certification of each lobbyist in the lobbying firm.

(d) For each person with whom the lobbying firm contracts to provide the following lobbying services.

(1) The full name, business address, and telephone number of the person.

(2) A written authorization signed by the person.

(3) The time period of the contract.

(4) Information sufficient to identify the nature and interests of the person including:

(A) If the person is an individual, the name and address of his or her employer, if any, or his or her principal place of business if the person is self-employed, and a description of the business activity in which the person or his or her employer is engaged.

(B) If the person is a business entity, a description of the business activity in which it is engaged.

(C) If the person is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

(D) If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

(5) The lobbying interests of the person.

(6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.

(e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 86203 and 86205.

(f) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1976, Ch. 415, effective July 10, 1976; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Registration Statement; Publication."); amended by Stats. 1986, Ch. 905; amended by Stats. 1987, Ch. 459.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18238.5
2 Cal. Code of Regs. Section 18601

§ 86105. Lobbyist Employer; Registration Requirements.

The registration of a lobbyist employer shall include:

(a) The full name, business address, and telephone number of the lobbyist employer.

(b) A list of the lobbyists who are employed by the lobbyist employer.

(c) The lobbyist certification of each lobbyist employed by the lobbyist employer.

(d) Information sufficient to identify the nature and interest of the filer, including:

(1) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.

(2) If the filer is a business entity, a description of the business activity in which it is engaged.

(3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

(e) The lobbying interests of the lobbyist employer, and a list of the state agencies whose legislative or administrative actions the lobbyist employer will attempt to influence.

(f) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Accounts; Designation by Name; Deposits."); amended by Stats. 1987, Ch. 459.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18239.5

Enforcement

Decisions: Fred Shanbour 89/266 (1989)
John Knox/Nossaman, Krueger & Knox 82/20 (1984)
J. Reginald Wahl 79/42 (1980)
Alvar Yelvington 79/21 (1980)

§ 86106. Renewal of Registration.

Each registered lobbying firm and lobbyist employer which will be conducting activities which require registration shall renew its registration by filing photographs of its lobbyists, authorizations, and a registration statement between November 1 and December 31, of each even-numbered year. Each lobbyist shall renew his or her lobbyist certification in connection with the renewal of registration by the lobbyist's lobbying firm or employer.

History: Repealed by Stats. 1979, Ch. 592; (Formerly titled "Accounts; Payment of Expenses; Petty Cash"); added by Stats. 1985, Ch. 1183 effective September 29, 1985; amended by Stats. 1987, Ch. 936; amended by Stats. 1997, Ch. 574.

§ 86107. Registration Statement; Amendment; Termination.

(a) If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm's attempting to influence any legislative or administrative action on behalf of that person. Lobbying firms and lobbyist employers which, during a regular session of the Legislature, cease all activity which required registration shall file a notice of termination within 20 days after such cessation. Lobbying firms and lobbyist employers which at the close of a regular session of the Legislature cease all activity which required registration, shall not be required to file a notice of termination.

(b) If any change occurs in any of the information contained in a lobbyist certification or if the lobbyist terminates all activity which required the certification, the lobbyist shall submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who at the close of a regular session of the Legislature ceases all activity which required certification, shall not be required to file a notice of termination.

(c) Lobbyists and lobbying firms shall remain subject to Section 86203 for the earlier of six months

after filing a notice of termination or six months after the close of a regular session of the Legislature at the close of which the lobbyist or lobbying firm ceased all activity which required certification or registration.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Contents of Periodic Reports."); amended by Stats. 1986, Ch. 905; amended by Stats. 1987, Ch. 936.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18601

Enforcement

Decisions: Fred Shanbour 89/266 (1989)
Brian Hatch 84/224 (1985)
Clayton Jackson 80/61 (1982)
Jack Shelby 79/61 (1980)
Dugald Gillies 79/60 (1980)
J. Reginald Wahl 79/42 (1980)
Alvar Yelvington 79/21 (1980)

§ 86108. Registration Statement; Publication.

All information listed on any registration statement and on any amendment, renewal, or notice of termination shall be printed by the Secretary of State and made public within 30 days after filing.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports; Employers and Others.")

§ 86109. Directory of Lobbyists, Lobbying Firms and Lobbyist Employers.

Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall publish, from time to time, such supplements to the directory as may be necessary.

History: Amended by Stats. 1984, Ch. 161; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports; Employers and Others; Contents."); amended by Stats. 1991, Ch. 391.

References at the time of publication (see page 3):

Enforcement

Decisions: John Knox/Nossaman, Krueger & Knox 82/20 (1984)

§ 86110. Recordkeeping.

Lobbyists, lobbying firms, and lobbyist employers which receive payments, make payments or incur expenses or expect to receive payments, make payments or incur expenses in connection with activities which are reportable pursuant to this chapter

shall keep detailed accounts, records, bills, and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports; Filing; Time.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18610
2 Cal. Code of Regs. Section 18612
2 Cal. Code of Regs. Section 18615

Enforcement

Decisions: John Knox/Nossaman, Krueger & Knox 82/20 (1984)
Alvar Yelvington 79/21 (1980)
J. Reginald Wahl 79/42 (1980)

§ 86111. Activity Expense; Agency Official.

(a) "Activity expense" as used in this chapter means any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

(b) "Agency official" as used in this chapter means any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, or person described in subdivision (b) of Section 86115 has attempted or is attempting to influence.

History: Added by Stats. 1979, Ch. 592; amended by Stats. 1976, Ch. 415, effective July 10, 1976, repealed former Section 86111 titled "Periodic Reports; Publication"; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Lobbying Reports and Statements; Where to File.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.1
2 Cal. Code of Regs. Section 18950.3

§ 86112. Activity Expenses; Reporting.

When a person is required to report activity expenses pursuant to this article, the following information shall be provided:

(a) The date and amount of each activity expense.

(b) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of benefit.

(c) The full name of the payee of each expense if other than the beneficiary.

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18611
2 Cal. Code of Regs. Section 18613
2 Cal. Code of Regs. Section 18616

§ 86112.3. Invitations.

(a) Each person filing a report pursuant to this article who sends any written or printed invitation to an elected state officer, candidate for elective state office, legislative official or agency official, shall include on the invitation or on a letter attached to the invitation the following typed, printed, or handwritten statement that is at least as large and readable as 8-point Roman boldface type, in a color or print that contrasts with the background so as to be easily legible: Attendance at this event by a public official will constitute acceptance of a reportable gift.

(b) The notice specified in subdivision (a) shall not be required to appear on any invitation wherein attendance at the event described in the invitation will not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official or agency official, pursuant to paragraph (1) of subdivision (a) of Section 87207.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1993, Ch. 1140.

§ 86112.5. Notification to Beneficiary of a Gift.

(a) Each person filing a report pursuant to this article shall provide each beneficiary of a gift listed within the report the following information:

(1) The date and amount of each gift reportable by the beneficiary.

(2) A description of the goods or services provided to the beneficiary.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. For the purposes of meeting the disclosure requirements of this section, a lobbyist firm or lobbyist employer may provide the beneficiary a copy of the activity expense section of the report submitted to the Secretary of State pursuant to this article.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1991, Ch. 322.

§ 86113. Periodic Reports; Lobbyists; Contents.

(a) A lobbyist shall complete and verify a periodic report which contains:

(1) A report of all activity expenses by the lobbyist during the reporting period; and

(2) A report of all contributions of one hundred dollars (\$100) or more made or delivered by the lobbyist to any elected state officer or state candidate during the reporting period.

(b) A lobbyist shall provide the original of his or her periodic report to his or her lobbyist employer or lobbying firm within two weeks following the end of each calendar quarter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18611

Opinions: In re Nida (1976) 2 FPPC Ops 1
In re Atlantic-Richfield Co. (1975) 1 FPPC Ops. 147
In re Witt (1975) 1 FPPC Ops. 145
In re Horn (1975) 1 FPPC Ops. 126
In re Morrissey (1975) 1 FPPC Ops. 104
In re Spellman (1975) 1 FPPC Ops. 16

Enforcement
 Decisions: California Credit Union League, et al. 95/48 (1995)
Friends Committee on Legislation of CA, et al. 92/349 (1994)
Brian Hatch 84/224 (1985)
Clayton Jackson 80/61 (1982)
J. Reginald Wahl 79/42 (1980)
Dugald Gillies 79/60 (1980)
Jack Shelby 79/61 (1980)
Alvar Yelvington 79/21 (1980)

§ 86114. Periodic Reports; Lobbying Firms; Contents.

(a) Lobbying firms shall file periodic reports containing all of the following:

(1) The full name, address, and telephone number of the lobbying firm.

(2) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, a description of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(3) The total amount of payments received for lobbying services during the period.

(4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.

(5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.

(6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:

(A) The full name, address, and telephone number of the subcontractor.

(B) The name of the person for whom the subcontractor was retained to lobby.

(C) The total amount of all payments made to the subcontractor.

(7) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee and the identification number of the committee.

(8) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the

reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18613
2 Cal. Code of Regs. Section 18614
2 Cal. Code of Regs. Section 18616.4

Enforcement

Decisions: Fred Shanbour 89/266 (1989)
Organization Management, Inc. 87/143 (1989)
John Knox/Nossaman, Krueger & Knox 82/20 (1984)

§ 86115. Periodic Reports; Employers and Others.

Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86116:

(a) Any lobbyist employer; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of five thousand dollars (\$5,000) or more in value in any calendar quarter, unless all of the payments are of the type described in subdivision (c) of Section 82045.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18616
2 Cal. Code of Regs. Section 18616.4

Opinions: In re Kovall (1978) 4 FPPC Ops. 95
In re Evans (1978) 4 FPPC Ops. 54
In re Sloan (1976) 2 FPPC Ops. 105
In re Gillies (1975) 1 FPPC Ops. 165
In re Stern (1975) 1 FPPC Ops. 59
In re Witt (1975) 1 FPPC Ops. 1

§ 86116. Periodic Reports; Employers and Others; Contents.

Every person described in Section 86115 shall file periodic reports containing:

(a) The name, business address, and telephone number of the lobbyist employer or other person filing the report.

(b) The total amount of payments to each lobbying firm.

(c) The total amount of all payments to lobbyists employed by the filer.

(d) A description of the specific lobbying interests of the filer.

(e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.

(f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.

(g) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee, and the identification number of the committee.

(h) The total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.

(i) Any other information required by the commission consistent with the purposes and provisions of this chapter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 905; amended by Stats. 1987, Ch. 459.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18614
2 Cal. Code of Regs. Section 18616
2 Cal. Code of Regs. Section 18616.4

Opinions: In re Evans (1978) 4 FPPC Ops. 54
In re Herr (1977) 3 FPPC Ops. 11
In re Sloan (1976) 2 FPPC Ops. 105
In re Nida (1976) 2 FPPC Ops. 1
In re Grunsky (1975) 1 FPPC Ops. 158
In re Atlantic-Richfield Co. (1975) 1 FPPC Ops. 147
In re Witt (1975) 1 FPPC Ops. 145
In re Morrissey (1975) 1 FPPC Ops. 130
In re Carothers (1975) 1 FPPC Ops. 122
In re Wallace (1975) 1 FPPC Ops. 118
In re Gillies (1975) 1 FPPC Ops. 110
In re League of California Milk Producers (1975) 1 FPPC Ops. 13
In re Witt (1975) 1 FPPC Ops. 1

Enforcement

Decisions: Willie E. Hausey 88/66 (1988)

§ 86116.5. Periodic Reports; State and Local Government Agencies.

(a) In addition to the information required pursuant to Section 86116, all state and local agencies that file reports pursuant to Sections 86115 and 86116 shall disclose, except for overhead expenses, all payments of two hundred fifty dollars (\$250) or more made in a reporting period, including, but not limited to, all of the following:

(1) Goods and services used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities as a lobbyist.

(2) Payments of any other expenses which would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action.

(3) Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10 percent of its total expenditures, or fifteen thousand dollars (\$15,000), or more, during any calendar quarter, to influence legislative or administrative action.

(b) Reports required pursuant to this section may be disclosed on a separate schedule and shall include all of the following information:

(1) The name and address of the payee.

(2) The total payments made during the reporting period.

(3) The cumulative amount paid during the calendar year.

(c) All statements required by this section shall be filed as specified by Sections 86117 and 86118.

History: Added by Stats. 1992, Ch. 214.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18616

§ 86117. Periodic Reports; Filing; Time.

(a) Reports required by Sections 86114 and 86116 shall be filed during the month following each calendar quarter. The period covered shall be from the first day of January of each new biennial legislative session through the last day of the calendar quarter prior to the month during which the report is filed, except as specified in subdivision (b), and except that the period covered shall not include any information reported in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire legislative session to date.

(b) The period covered by the first report a person is required to file pursuant to Sections 86114

and 86116 shall begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount shall be stated for the entire calendar quarter covered by the first report.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1994, Ch. 1139.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18617

Enforcement

Decisions: California Credit Union League, et al. 95/48 (1995)
Friends Committee on Legislation of CA, et al. 92/349 (1994)
James M. Graham 83/402 (1987)
Brian Hatch 84/224 (1985)
John Knox/Nossaman, Krueger & Knox 82/20 (1984)
Dugald Gillies 79/60 (1980)
Jack Shelby 79/61 (1980)
Alvar Yelvington 79/21 (1980)
J. Reginald Wahl 79/42 (1980)

§ 86118. Periodic Reports; Where to File.

The original and one copy of each report required by Sections 86114 and 86116 of the Government Code shall be filed with the Secretary of State.

History: Added by Stats. 1986, Ch. 905.

Article 2. Prohibitions.

§ 86200 - 86205

- § 86200. Contribution. [Repealed]
- § 86201. Gift.
- § 86202. Unlawful Contribution. [Repealed]
- § 86203. Unlawful Gifts.
- § 86204. Receipt of Unlawful Gift.
- § 86205. Acts Prohibited.

§ 86200. Contribution. [Repealed]

History: Repealed by Stats. 1984, Ch. 161.

§ 86201. Gift.

"Gift" as used in this article means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18624
 2 Cal. Code of Regs. Section 18630

Opinions: In re Goddard (1978) 4 FPPC Ops. 1
In re Olson (1975) 1 FPPC Ops. 107
In re Smithers (1975) 1 FPPC Ops. 42

§ 86202. Unlawful Contribution. [Repealed]

History: Repealed by Stats. 1984, Ch. 161.

§ 86203. Unlawful Gifts.

It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18624
 2 Cal. Code of Regs. Section 18630
 2 Cal. Code of Regs. Section 18945.3

Opinions: In re Institute for Governmental Advocates (1982) 7 FPPC Ops. 1
In re Goddard (1978) 4 FPPC Ops. 1
In re Reinhardt (1977) 3 FPPC Ops. 83
In re Zenz (1975) 1 FPPC Ops. 195
In re Horn (1975) 1 FPPC Ops. 126
In re Olson (1975) 1 FPPC Ops. 107
In re Gilchrist (1975) 1 FPPC Ops. 82
In re Smithers (1975) 1 FPPC Ops. 42
In re Blenkle (1975) 1 FPPC Ops. 37

Enforcement

Decisions: A-K Associates 87/226 (1989)
Brian Hatch 84/224 (1985)
Joe Gonsalves 81/13 (1982)

§ 86204. Receipt of Unlawful Gift.

It shall be unlawful for any person knowingly to receive any gift which is made unlawful by Section 86203.

History: Amended by Stats. 1984, Ch. 161.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18941

§ 86205. Acts Prohibited.

No lobbyist or lobbying firm shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action.

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(e) Represent falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

History: Amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18625

Opinions: In re Reinhardt (1977) 3 FPPC Ops. 83

Enforcement

Decisions: State Bar of California 97/125 (1998)
Mel Assagai 97/125 (1998)
Willie E. Hausey 88/66 (1988)

Article 3. Exemptions.

§ 86300

§ 86300. Exemptions.

§ 86300. Exemptions.

The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment; provided that, an employee of the State of California, other than a legislative official, who attempts to influence legislative action and who would be required to register as a lobbyist except for the provisions of this subdivision shall not make gifts of more than ten dollars (\$10) in a calendar month to an elected state officer or legislative official.

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or

indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

History: Amended by Stats. 1975, Ch. 1079.

References at the time of publication (see page 3):

Opinions: In re Herr (1977) 3 FPPC Ops. 11
In re Morgan (1975) 1 FPPC Ops. 177

Chapter 7. Conflicts of Interests.

§ 87100 - 87500

- Article 1. General Prohibitions. § 87100 - 87104
2. Disclosure. § 87200 - 87210
 3. Conflict of Interest Codes.
§ 87300 - 87313
 - 3.5. Multiagency Filers. § 87350
 4. Disqualification of Former Officers and Employees.
§ 87400 - 87407
 - 4.5. Disqualification of State Officers and Employees. § 87450
 - 4.6. Loans to Public Officials. § 87460-87462
 5. Filing. § 87500

Article 1. General Prohibitions.

§ 87100 - 87104

- § 87100. Public Officials; State and Local.
- § 87100.1. Professional Engineers and Surveyors as Consultants.
- § 87101. Legally Required Participation in Governmental Decision.
- § 87102. Requirements Additional; Applicability of Enforcement Provisions.
- § 87102.5. Legislature; Use of Position to Influence Decisions.
- § 87102.6. Nongeneral Legislation; Definitions.
- § 87102.8. Elected State Officer; Use of Position to Influence Decisions.
- § 87103. Financial Interest.
- § 87103.5. Income from Retail Sales.
- § 87103.6. Source of Income; Payments to Government Agencies.

§ 87104. Prohibitions on Public Officials.

§ 87100. Public Officials; State and Local.

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18700
 2 Cal. Code of Regs. Section 18701
 2 Cal. Code of Regs. Section 18702
 2 Cal. Code of Regs. Section 18702.1
 2 Cal. Code of Regs. Section 18702.2
 2 Cal. Code of Regs. Section 18702.3
 2 Cal. Code of Regs. Section 18702.4
 2 Cal. Code of Regs. Section 18703
 2 Cal. Code of Regs. Section 18703.1
 2 Cal. Code of Regs. Section 18703.2
 2 Cal. Code of Regs. Section 18703.3
 2 Cal. Code of Regs. Section 18703.4
 2 Cal. Code of Regs. Section 18703.5
 2 Cal. Code of Regs. Section 18704
 2 Cal. Code of Regs. Section 18704.1
 2 Cal. Code of Regs. Section 18704.2
 2 Cal. Code of Regs. Section 18704.5
 2 Cal. Code of Regs. Section 18705
 2 Cal. Code of Regs. Section 18705.1
 2 Cal. Code of Regs. Section 18705.2
 2 Cal. Code of Regs. Section 18705.3
 2 Cal. Code of Regs. Section 18705.4
 2 Cal. Code of Regs. Section 18705.5
 2 Cal. Code of Regs. Section 18706
 2 Cal. Code of Regs. Section 18940
 2 Cal. Code of Regs. Section 18942
 2 Cal. Code of Regs. Section 18943
 2 Cal. Code of Regs. Section 18944.2

Enforcement

Decisions: Tad Folendorf 96/19 (1998)
Dallas Covington 97/283 (1998)
Barry Allen 96/401 (1998)
William B. Rick 96/524 (1998)
Freida Tadina 96/424 (1998)
Mark Mitton 95/541 (1998)
John Varela 96/142 (1998)
Rudy Regalado 97/460 (1998)
Gary Langston 96/26 (1998)
Ken Marks 95/541 (1998)
Michael McGinnis 96/312 (1998)
Richard Wright 95/213 (1998)
Seth Henry Irish, III 94/481 (1998)
Sharon Wright, et al. 96/162 (1998)
George Alongi 95/112 (1997)
Viet Be 94/594 (1997)
James Worthen 93/74 (1997)
Carey Corbaley 94/305 (1997)
Chuck Simmons 94/456 (1997)
Filiberto Martinez 96/12 (1997)
Rey Guerra 96/144 (1997)
William Holman 95/541 (1997)
Richard Alatorre 97/268 (1997)
Paul Bailey 96/163 (1997)
William Cunningham 92/323 (1996)
Mary L. Rivera 94/528 (1996)
Joseph C. Berry 91/18 (1996)

Richard J. Riordan 96/214 (1996)
Eileen Krause 94/201 (1996)
Steve Kolodney 94/237 (1996)
Curtis V. Bryan 93/275 (1996)
Larry Rotelli 96/158 (1996)
Marvin Goldsmith 95/173 (1996)
Penny Allen 94/138 (1995)
Amelia Borcalli, et al. 93/321 (1995)
Gary M. Washburn 93/262 (1995)
Vernon Donald Helms, et al. 93/248 (1995)
Armando Lopez 92/689 (1995)
Glen R. Putnam, et al. 92/549 (1995)
Bruce M. Wallis 91/512 (1994)
Rodolfo Garcia 93/258 (1994)
Mark Nathanson 91/577 (1994)
Neal Rotteveel 90/727 (1994)
Andre Schade 92/68 (1993)
Rick Haltenhoff 90/299 (1993)
Maria Sheehan 91/37 (1993)
Richard A. Garcia 91/166 (1993)
Marco Sigala 90/943 (1993)
Christopher W. Lancaster 91/466 (1992)
Lida Lenney 92/291 (1992)
Arthur S. Bartel 90/504 (1992)
Leonard Eliot 90/302 (1992)
Edward Mc Laughlin 90/79 (1992)
Tony Montana 91/199 (1992)
Richard Morrow 89/400 (1992)
William Pursley 90/503 (1992)
David Schramel 90/317 (1992)
William Ullrich 90/614 (1992)
Philip Wente 87/57 (1992)
Abbe Wolfsheimer, et al. 89/417 (1992)
James Hawthorne 89/18 (1991)
Charles Hammond 89/360 (1991)
Rudie Tretten 89/88 (1991)
Robert Maxfield 90/83 (1991)
Richard Fenwick 89/134 (1990)
Roy Woodward 88/448 (1990)
Stephen Webb, et al. 88/152 (1990)
Harold Knedel 88/125 (1989)
Michael Mower 88/87 (1989)
Bob Beck 88/452 (1989)
Marshall Scott 88/151 (1989)
J. David Horspool, et al. 88/148 (1989)
Sandra Smoley 86/370 (1989)
Robert Gatewood 86/72 (1988)
Richard Alatorre 86/530 (1988)
Karl Braun 86/364 (1988)
Steve Kueny 86/261 (1988)
R. Wayne Bashore 87/106 (1987)
Kile Morgan 85/277 (1987)
M.W. "Mick" Jones 84/331 (1987)
Jesse Combs 84/322 (1987)
Harvey Brown 84/349 (1986)
Roy Ben Lyon 84/29 (1984)
Albert Silva 83/19 (1984)
Andres Mendez 83/15 (1984)
Thomas Corcoran 82/09 (1984)
Mary Nichols 81/08 (1982)
Edward Howard 81/03 (1982)
Arthur Snyder 80/19 (1982)

§ 87100.1. Professional Engineers and Surveyors as Consultants.

(a) A registered professional engineer or licensed land surveyor who renders professional services as a consultant to a state or local government,

either directly or through a firm in which he or she is employed or is a principal, does not have a financial interest in a governmental decision pursuant to Section 87100 where the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency and does not exercise public agency decisionmaking authority as a contract city or county engineer or surveyor.

(b) For purposes of this section, the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency when the consultant is in responsible charge of the work pursuant to Section 6703 or 8703 of the Business and Professions Code.

(c) Subdivision (a) does not apply to that portion of the work that constitutes the recommendation of the actual formula to spread the costs of an assessment district's improvements if both of the following apply:

(1) The engineer has received income of two hundred fifty dollars (\$250) or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district.

(2) The district includes other parcels in addition to those parcels for which the engineer received the income.

The recommendation of the actual formula does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, utilized in applying the formula.

History: Added by Stats. 1991, Ch. 887.

§ 87101. Legally Required Participation in Governmental Decision.

Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18708

Opinions: In re Brown (1978) 4 FPPC Ops. 19
In re Hudson (1978) 4 FPPC Ops. 13
In re Hopkins (1977) 3 FPPC Ops. 107
In re Maloney (1977) 3 FPPC Ops. 69

§ 87102. Requirements Additional; Applicability of Enforcement Provisions.

The requirements of Section 87100 are in addition to the requirements of Articles 2 (commencing with Section 87200) and 3 (commencing with Section 87300) and any Conflict of Interest Code adopted thereunder. Except as provided in Section 87102.5, the remedies provided in Chapters 3 (commencing with Section 83100) and 11 (commencing with Section 91000) shall not be applicable to elected state officers for violations or threatened violations of this article.

History: Amended by Stats. 1980, Ch. 1029; amended by Stats. 1990, Ch. 84.

§ 87102.5. Legislature; Use of Position to Influence Decisions.

(a) The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which he or she knows or has reason to know that he or she has a financial interest:

(1) Any state governmental decision, other than any action or decision before the Legislature, made in the course of his or her duties as a member.

(2) Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party.

(3) Introduction as a lead author of any legislation that the member knows or has reason to know is nongeneral legislation.

(4) Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation.

(5) Any rollcall vote on the Senate or Assembly floor on an item which the member knows is nongeneral legislation.

(6) Any action or decision before the Legislature in which all of the following occur:

(A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer.

(B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer.

(C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(7) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial

impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(b) For purposes of this section, all of the following apply:

(1) "Any action or decision before the Legislature" means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.

(2) "Financial interest" means an interest as defined in Section 87103.

(3) "Legislation" means a bill, resolution, or constitutional amendment.

(4) "Nongeneral legislation" means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.

(5) A Member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person with respect to which disqualification may be required pursuant to subdivision (a) if either of the following apply:

(A) With the knowledge of the member, the person has attempted to influence the vote of the member with respect to the action or decision.

(B) Facts have been brought to the member's personal attention indicating that the action or decision will have a direct and significant impact on the person.

(6) The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.

(7) A Member of the Legislature has reason to know that legislation is nongeneral legislation if facts have been brought to his or her personal attention indicating that it is nongeneral legislation.

(8) Written advice given to a Member of the Legislature regarding his or her duties under this section by the Legislative Counsel shall have the same effect as advice given by the commission pursuant to subdivision (b) of Section 83114 if both of the following apply:

(A) The member has made the same written request based on the same material facts to the commission for advice pursuant to Section 83114 as to his or her duties under this section, as the written request and facts presented to the Legislative Counsel.

(B) The commission has not provided written advice pursuant to the member's request prior to the time the member acts in good faith reliance on the advice of the Legislative Counsel.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18703
 2 Cal. Code of Regs. Section 18703.1
 2 Cal. Code of Regs. Section 18703.2
 2 Cal. Code of Regs. Section 18703.3
 2 Cal. Code of Regs. Section 18703.4
 2 Cal. Code of Regs. Section 18703.5
 2 Cal. Code of Regs. Section 18704
 2 Cal. Code of Regs. Section 18704.1
 2 Cal. Code of Regs. Section 18704.2
 2 Cal. Code of Regs. Section 18704.5
 2 Cal. Code of Regs. Section 18705
 2 Cal. Code of Regs. Section 18705.1
 2 Cal. Code of Regs. Section 18705.2
 2 Cal. Code of Regs. Section 18705.3
 2 Cal. Code of Regs. Section 18705.4
 2 Cal. Code of Regs. Section 18705.5
 2 Cal. Code of Regs. Section 18706

Enforcement

Decisions: William E. Hoge 95/351 (1997)
K. Maurice Johannessen, et al. 94/610 (1995)

§ 87102.6. Nongeneral Legislation; Definitions.

(a) "Nongeneral legislation" means legislation as to which both of the following apply:

(1) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.

(2) It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.

(b) For purposes of this section and Section 87102.5, all of the following apply:

(1) "Legislation" means a bill, resolution, or constitutional amendment.

(2) The term "public generally" includes an industry, trade, or profession.

(3) Any recognized subgroup or specialty of the industry, trade, or profession constitutes a significant segment of the public.

(4) A legislative district, county, city, or special district constitutes a significant segment of the public.

(5) More than a small number of persons or pieces of real property is a significant segment of public.

(6) Legislation, administrative action, or other governmental action impacts in a similar manner all members of the public, or all members of a significant segment of the public, on which it has a direct

financial effect, whether or not the financial effect on individual members of the public or the significant segment of the public is the same as the impact on the other members of the public or the significant segment of the public.

(7) The Budget Bill as a whole is not nongeneral legislation.

(8) Legislation that contains at least one provision that constitutes nongeneral legislation is nongeneral legislation, even if the legislation also contains other provisions that are general and do not constitute nongeneral legislation.

History: Added by Stats. 1990, Ch. 84.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18703
 2 Cal. Code of Regs. Section 18703.1
 2 Cal. Code of Regs. Section 18703.2
 2 Cal. Code of Regs. Section 18703.3
 2 Cal. Code of Regs. Section 18703.4
 2 Cal. Code of Regs. Section 18703.5
 2 Cal. Code of Regs. Section 18704
 2 Cal. Code of Regs. Section 18704.1
 2 Cal. Code of Regs. Section 18704.2
 2 Cal. Code of Regs. Section 18704.5
 2 Cal. Code of Regs. Section 18705
 2 Cal. Code of Regs. Section 18705.1
 2 Cal. Code of Regs. Section 18705.2
 2 Cal. Code of Regs. Section 18705.3
 2 Cal. Code of Regs. Section 18705.4
 2 Cal. Code of Regs. Section 18705.5
 2 Cal. Code of Regs. Section 18706

§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

(a) No elected state officer, as defined in subdivision (f) of Section 14 of Article V of the California Constitution, shall make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the elected state officer serves, where he or she knows or has reason to know that he or she has a financial interest.

(b) An elected state officer knows or has reason to know that he or she has a financial interest in any action by, or a decision before the agency in which he or she serves where either of the following occur:

(1) The action or decision will have a direct and significant financial impact on a lobbyist employer from which the officer has received any salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(2) The action or decision will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally

or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(c) The definitions of “public generally” and “significant segment of the public” contained in Section 87102.6 shall apply to this section.

(d) Notwithstanding Section 87102, the remedies provided in Chapter 3 (commencing with Section 83100) shall apply to violations of this section.

History: Added by Stats. 1990, Ch. 1075; amended by Stats. 1991, Ch. 674.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18703
 2 Cal. Code of Regs. Section 18703.1
 2 Cal. Code of Regs. Section 18703.2
 2 Cal. Code of Regs. Section 18703.3
 2 Cal. Code of Regs. Section 18703.4
 2 Cal. Code of Regs. Section 18703.5
 2 Cal. Code of Regs. Section 18704
 2 Cal. Code of Regs. Section 18704.1
 2 Cal. Code of Regs. Section 18704.2
 2 Cal. Code of Regs. Section 18704.5
 2 Cal. Code of Regs. Section 18705
 2 Cal. Code of Regs. Section 18705.1
 2 Cal. Code of Regs. Section 18705.2
 2 Cal. Code of Regs. Section 18705.3
 2 Cal. Code of Regs. Section 18705.4
 2 Cal. Code of Regs. Section 18705.5
 2 Cal. Code of Regs. Section 18706

§ 87103. Financial Interest.

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official’s agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

History: Amended by Stats. 1979, Ch. 686; amended by Stats. 1980, Ch. 183; amended by Stats. 1984, Ch. 931; amended by Stats. 1985, Ch. 611; amended by Stats. 1994, Ch. 386; amended by Stats. 1997, Ch. 455, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18700
 2 Cal. Code of Regs. Section 18703
 2 Cal. Code of Regs. Section 18703.1
 2 Cal. Code of Regs. Section 18703.2
 2 Cal. Code of Regs. Section 18703.3
 2 Cal. Code of Regs. Section 18703.4
 2 Cal. Code of Regs. Section 18703.5
 2 Cal. Code of Regs. Section 18704
 2 Cal. Code of Regs. Section 18704.1
 2 Cal. Code of Regs. Section 18704.2
 2 Cal. Code of Regs. Section 18704.5
 2 Cal. Code of Regs. Section 18705
 2 Cal. Code of Regs. Section 18705.1
 2 Cal. Code of Regs. Section 18705.2
 2 Cal. Code of Regs. Section 18705.3
 2 Cal. Code of Regs. Section 18705.4
 2 Cal. Code of Regs. Section 18705.5
 2 Cal. Code of Regs. Section 18706
 2 Cal. Code of Regs. Section 18707
 2 Cal. Code of Regs. Section 18707.1
 2 Cal. Code of Regs. Section 18707.2
 2 Cal. Code of Regs. Section 18707.3
 2 Cal. Code of Regs. Section 18707.4
 2 Cal. Code of Regs. Section 18707.5
 2 Cal. Code of Regs. Section 18707.6
 2 Cal. Code of Regs. Section 18730
 2 Cal. Code of Regs. Section 18940
 2 Cal. Code of Regs. Section 18940.2
 2 Cal. Code of Regs. Section 18941
 2 Cal. Code of Regs. Section 18942
 2 Cal. Code of Regs. Section 18942.1
 2 Cal. Code of Regs. Section 18943
 2 Cal. Code of Regs. Section 18944.2

Opinions: In re Legan (1985) 9 FPPC Ops. 1
In re Nord (1983) 8 FPPC Ops. 6
In re Ferraro (1978) 4 FPPC Ops. 62
In re Callanan, Sands and Hill (1978) 4 FPPC Ops. 33
In re Brown (1978) 4 FPPC Ops. 19
In re Hopkins (1977) 3 FPPC Ops. 107
In re Gillmor (1977) 3 FPPC Ops. 38
In re Moore (1977) 3 FPPC Ops. 33
In re Thomas (1977) 3 FPPC Ops. 30
In re Sherwood (1976) 2 FPPC Ops. 168
In re Sankey (1976) 2 FPPC Ops. 157
In re Owen (1976) 2 FPPC Ops. 77
In re Thorne (1975) 1 FPPC Ops. 198
In re Biondo (1975) 1 FPPC Ops. 54
In re Presley (1975) 1 FPPC Ops. 39

Enforcement

Decisions: Marshall Scott, et al. 88/151 (1989)
J. David Horspool, et al. 88/148 (1989)
Sandra Smoley 86/370 (1989)
Robert Gatewood 86/72 (1988)
Steve Kueny 86/261 (1988)
Kile Morgan 85/277 (1987)
R. Wayne Bashore 87/106 (1987)

§ 87103.5. Income from Retail Sales.

Notwithstanding subdivision (c) of Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

History: Added by Stats. 1984, Ch. 931.

§ 87103.6. Source of Income; Payments to Government Agencies.

Notwithstanding subdivision (c) of Section 87103, any person who makes a payment to a state agency or local government agency to defray the estimated reasonable costs to process any application, approval, or any other action, including but not limited to, holding public hearings and evaluating or preparing any report or document, shall not by reason of the payments be a source of income to a person who is retained or employed by the agency.

History: Added by Stats. 1991, Ch. 887.

§ 87104. Prohibitions on Public Officials.

(a) No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance before, or any oral or written communication to, his or her state agency or

any officer or employee thereof, if the appearance or communication is for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use.

(b) For purposes of this section, "public official" includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, except when the public official is representing his or her employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

History: Added by Stats. 1994, Ch. 414; amended by Stats. 1997, Ch. 145.

Article 2. Disclosure.
§ 87200 - 87210

- § 87200. Applicability.
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- § 87202. Officials - Elected, Appointed and Hold Over.
- § 87203. Officeholders; Annual Statements.
- § 87204. Leaving Office.
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- § 87206. Disclosure of Investment or Interest in Real Property.
- § 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]
- § 87207. Disclosure of Income.
- § 87208. Disclosure of Investments and Interest in Real Property; Incorporation by Reference.
- § 87209. Business Positions.
- § 87210. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

§ 87200. Applicability.

This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other

public officials who manage public investments, and to candidates for any of these offices at any election.

History: Amended by Stats. 1975, Ch. 797; effective September 16, 1975, operative September 5, 1975; amended by Stats. 1976, Ch. 129, effective May 5, 1976; amended by Stats. 1978, Ch. 537; amended by Stats. 1979, Ch. 674; amended by Stats. 1983, Ch. 214; amended by Stats. 1984, Ch. 727, effective July 1, 1985; amended by Stats. 1985, Ch. 611; amended by Stats. 1989, Ch. 403.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18723
2 Cal. Code of Regs. Section 18724
2 Cal. Code of Regs. Section 18753

Enforcement

Decisions: Sharon Wright, et al. 96/162 (1998)
Charles E. Hammond 95/432 (1996)
Glenda Kraft Doan 94/710 (1996)
Mark H. McGee 94/352 (1995)
Gus S. Kramer, et al. 94/230 (1995)
Gary M. Washburn 93/262 (1995)
Cecelia Corl 91/258 (1994)
Andre Schade 92/68 (1993)
Waldemar P. Abraham 91/201 (1993)
Lida Lenney 92/291 (1992)
Harvey Brown 84/349 (1986)
Helen Stein 84/132 (1985)
Manuel Sandoval 84/39 (1984)
Roy Ben Lyon 84/29 (1984)
Thomas Corcoran 82/09 (1984)

§ 87201. Candidates.

Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

History: Amended by Stats. 1977, Ch. 1193; amended by Stats. 1980, Ch. 928; amended by Stats. 1984, Ch. 931; amended by Stats. 1992, Ch. 1141.

References at the time of publication (see page 3):

Opinions: In re Boreman (1975) 1 FPPC Ops. 101

§ 87202. Officials - Elected, Appointed and Hold Over.

(a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before

assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination.

The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.

(b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:

(1) The period covered for reporting investments and interests in real property shall begin on the date the person filed his or her declarations of candidacy.

(2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.

History: Amended by Stats. 1977, Ch. 1193; amended by Stats. 1978, Ch. 537; amended by Stats. 1989, Ch. 499; amended by Stats. 1997, Ch. 36.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18723

Enforcement

Decisions: Gary Langston 96/26 (1998)
John Vasquez 88/140 (1989)

§ 87203. Officeholders; Annual Statements.

Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

History: Amended by Stats. 1976, Ch. 1161.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18723

Opinions: In re Sampson (1975) 1 FPPC Ops. 183

Enforcement

Decisions: Dexter Henderson 96/367 (1998)
Gary Langston 96/26 (1998)
James Worthen 93/74 (1997)
Dean Zaharias 95/364 (1997)

Curtis V. Bryan 93/275 (1996)
Leonard Gonzales, Jr. 94/495 (1996)
Joseph P. D. Kern 90/888 (1992)
Lena Dennis 89/391 (1990)
Leo Bazile 88/295 (1990)
John Vasquez 88/140 (1989)
Diane E. Watson 88/66 (1988)
Steve Kueny 86/261 (1988)
Manuel Sandoval 84/39 (1984)
Roy Ben Lyon 84/29 (1984)
Thomas Corcoran 82/09 (1984)
Edward Howard 81/03 (1982)
Bill Greene 78/72 (1980)
Robert Newdell 78/28 (1980)

§ 87204. Leaving Office.

Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18723

Enforcement

Decisions: Dexter Henderson 96/367 (1998)

§ 87205. Persons Completing and Beginning Term of Office on the Same Day.

A person who completes a term of an office specified in Section 87200 and within 30 days begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office.

History: Amended by Stats. 1977, Ch. 1193; amended by Stats. 1997, Ch. 145.

§ 87206. Disclosure of Investment or Interest in Real Property.

When an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

(a) A statement of the nature of the investment or interest.

(b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.

(c) The address or other precise location of the real property.

(d) A statement whether the fair market value of the investment or interest in real property equals or

exceeds one thousand dollars (\$1,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), or whether it exceeds one hundred thousand dollars (\$100,000).

(e) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

(f) For purposes of disclosure under this article, “interest in real property” does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

History: Amended by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18233
 2 Cal. Code of Regs. Section 18234
 2 Cal. Code of Regs. Section 18235
 2 Cal. Code of Regs. Section 18729

Opinions: In re Schabarum (1975) 1 FPPC Ops. 95

Enforcement

Decisions: Charles E. Hammond 95/432 (1996)
Jerold Cohn 94/209 (1996)
Gerald R. Rodder 92/549 (1995)
Waldemar P. Abraham 91/201 (1993)
William Pursley 90/503 (1992)
Art Agnos 87/152 (1989)
William Bryan, et al. 83/03 (1988)
John A. Kelly, Jr. 87/224 (1988)
H. L. Richardson 86/573 (1988)
Karl Braun 86/364 (1988)
M. W. “Mick” Jones 84/331 (1987)
Jesse Combs 84/322 (1987)
Harvey Brown 84/349 (1986)
Thomas Corcoran 82/09 (1984)
Terrence Goggin 81/11 (1984)
Edward Howard 81/03 (1982)
Robert Newdell 78/28 (1980)
Anthony Azevedo 78/16 (1980)

§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]

History: Added by Stats. 1976, Ch. 1161; repealed by Stats. 1980, Ch. 1000. (Now contained in Section 87206.)

§ 87207. Disclosure of Income.

(a) When income is required to be reported under this article, the statement shall contain, except as provided in subdivision (b):

(1) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in

value if the income was a gift, and a general description of the business activity, if any, of each source.

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least two hundred fifty dollars (\$250) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), or whether it was greater than ten thousand dollars (\$10,000).

(3) A description of the consideration, if any, for which the income was received.

(4) In the case of a gift, the amount and the date on which the gift was received.

(5) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.

(b) When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity.

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from that person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(c) When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1995, operative January 7, 1975; amended by Stats. 1979, Ch. 674; superseded by Stats. 1979, Ch. 686; amended by Stats. 1980, Ch. 1000; amended by Stats. 1982, Ch. 29; amended by Stats. 1984, Ch. 931; amended by Stats. 1990, Ch. 1075; amended by Stats. 1997, Ch. 638.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18704
2 Cal. Code of Regs. Section 18740
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18941.1
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18943
2 Cal. Code of Regs. Section 18944.1

2 Cal. Code of Regs. Section 18944.2
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18946
2 Cal. Code of Regs. Section 18946.1
2 Cal. Code of Regs. Section 18946.2
2 Cal. Code of Regs. Section 18946.3
2 Cal. Code of Regs. Section 18946.4
2 Cal. Code of Regs. Section 18946.5
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.1
2 Cal. Code of Regs. Section 18950.3

Opinions: In re Hopkins (1977) 3 FPPC Ops. 107
In re Carey (1977) 3 FPPC Ops. 99
In re Gutierrez (1977) 3 FPPC Ops. 44
In re Thomas (1977) 3 FPPC Ops. 30
In re Cory (1976) 1 FPPC Ops. 48
In re Hayes (1975) 1 FPPC Ops. 210
In re Russel (1975) 1 FPPC Ops. 191
In re Cory (1975) 1 FPPC Ops. 153
In re Brown (1975) 1 FPPC Ops. 67

Enforcement

Decisions: Friends of Kevin Murray and Kevin Murray 96/132 (1998)
James R. Battin, Jr. 96/686 (1998)
Seth Henry Irish, III 94/481 (1998)
Sharon Wright, et al. 96/162 (1998)
Jerold Cohn 94/209 (1996)
Glenda Kraft Doan 94/710 (1996)
Mary L. Rivera 94/528 (1996)
Betty Smith 95/37 (1995)
Gary M. Washburn 93/262 (1995)
Vernon Donald Helms, et al. 93/248 (1995)
Armando Lopez 92/689 (1995)
Glen R. Putnam, et al. 92/549 (1995)
Mark Nathanson 91/577 (1994)
Alan Robbins 90/121 (1994)
Waldemar P. Abraham 91/201 (1993)
Peter Chacon, et al. 91/424 (1993)
Donald P. Pippo 89/143 (1992)
William Pursley 90/503 (1992)
Joseph Montoya 88/410 (1991)
James T. Hawthorne 89/18 (1991)
Charles Hammond 89/360 (1991)
John Longville 87/596 (1990)
Gerald Eaves 87/596 (1989)
Art Agnos 87/152 (1989)
William Bryan, et al. 83/03 (1988)
Harvey Holden 87/519 (1988)
John A. Kelly, Jr. 87/224 (1988)
H. L. Richardson 86/573 (1988)
Karl Braun 86/364 (1988)
Steve Kueny 86/261 (1988)
M. W. "Mick" Jones 84/331 (1987)
Jesse Combs 84/322 (1987)
Harvey Brown 84/349 (1986)
Terrence Goggin 81/11 (1984)
John Schmitz 81/17 (1983)
Edward Howard 81/03 (1982)
Arthur Snyder 80/19 (1982)
Cathie Wright 81/16 (1982)
Joseph Freitas, Jr. 79/33 (1980)
Bill Greene 78/72 (1980)
Robert Newdell 78/28 (1980)
Anthony Azevedo 78/16 (1980)

§ 87208. Disclosure of Investments and Interests in Real Property; Incorporation by Reference.

Except in statements required by Section 87203, investments and interests in real property which have been disclosed on a statement of economic interests filed in the same jurisdiction within the previous 60 days may be incorporated by reference.

History: Added by Stats. 1976, Ch. 1161.

§ 87209. Business Positions.

When a statement is required to be filed under this article, every person specified in Section 87200 shall disclose any business positions held by that person. For purposes of this section, "business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.

History: Added by Stats. 1997, Ch. 455, effective September 24, 1997.

§ 87210. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

No person shall make a gift totaling fifty dollars (\$50) or more in a calendar year to a person described in Article 2 on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

History: Added by Stats. 1978, Ch. 640; amended by Stats. 1982, Ch. 29.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18945.3

**Article 3. Conflict of Interest Codes.
§ 87300 - 87313**

- § 87300. Agency Requirement.
- § 87301. Formulation.
- § 87302. Required Provisions.
- § 87303. Submission; Code Reviewing Body.
- § 87304. Failure to Submit, Adopt or Amend a Proposed Code.

- § 87305. Order to Adopt; Superior Court.
- § 87306. Amendments for Changed Circumstances.
- § 87306.5. Conflict of Interest Code; Local Agency Review.
- § 87307. Amendments to Code by Agency; Failure to Act.
- § 87308. Judicial Review.
- § 87309. Requirements for Approval.
- § 87310. Designated Employee; Broad or Indefinable Duties.
- § 87311. Review and Preparation; Administrative Procedure Act.
- § 87311.5. Review and Preparation; Judicial Branch Agencies.
- § 87312. Commission Assistance.
- § 87313. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

§ 87300. Agency Requirement.

Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18750.1
2 Cal. Code of Regs. Section 18751

Opinions: In re Vonk (1981) 6 FPPC Ops. 1
In re Leach (1978) 4 FPPC Ops. 48
In re Siegel (1977) 3 FPPC Ops. 62

Enforcement

Decisions: Dexter Henderson 96/367 (1998)
Gus S. Kramer, et al. 94/230 (1995)
Penny Allen 94/138 (1995)
Michael A. Anderson 90/667 (1993)
Maria Sheehan 91/37 (1993)
Leonard Eliot 90/302 (1992)
James Leon Lewis 91/53 (1992)
Steven Ritchie 91/148 (1992)
Arnold Townsend 90/905 (1992)
Philip Wente 87/57 (1992)
Rudie Tretten 89/88 (1991)
Maurice Laham 90/576 (1991)
Armando Vasquez-Ramos 90/643 (1991)
Alescia Buford 89/396 (1990)
Leo Bazile 88/295 (1990)
Armando Vasquez-Ramos 88/293 (1990)
Debbie Beltram 87/579 (1988)
Robert Gatewood 86/72 (1988)
Larry E. Bush 87/59 (1987)
Brian Adams 87/14 (1987)

Leonard Gonzales 86/383 (1987)
Mark Nathanson 85/76 (1986)
William P. V. Garcia 84/267 (1986)
Leigh Sheriffs 84/274 (1985)
Pedro Lamdagan 83/17 (1984)
Andres Mendez 83/15 (1984)
Thomas Corcoran 82/09 (1984)
Patricia Cantrell 82/10 (1983)
Edward Howard 81/03 (1982)
David Buck 80/20 (1980)

§ 87301. Formulation.

It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an “agency” for purposes of Section 87300 shall be resolved by the code reviewing body.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730

§ 87302. Required Provisions.

Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each

designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual’s filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by

virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(1) File a written resignation with the appointing power.

(2) File a written statement with the filing officer on a form prescribed by the commission and signed under penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

History: Amended by Stats. 1978, Ch. 537; amended by Stats. 1979, Ch. 674; amended by Stats. 1980, Ch. 765; amended by Stats. 1987, Ch. 1188; amended by Stats. 1989, Ch. 499; amended by Stats. 1991, Ch. 857; amended by Stats. 1992, Ch. 441.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18732
2 Cal. Code of Regs. Section 18733
2 Cal. Code of Regs. Section 18735
2 Cal. Code of Regs. Section 18736
2 Cal. Code of Regs. Section 18736.1
2 Cal. Code of Regs. Section 18737
2 Cal. Code of Regs. Section 18740
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18943
2 Cal. Code of Regs. Section 18944.2
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18946
2 Cal. Code of Regs. Section 18946.1
2 Cal. Code of Regs. Section 18946.2
2 Cal. Code of Regs. Section 18946.3
2 Cal. Code of Regs. Section 18946.4
2 Cal. Code of Regs. Section 18946.5
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.3

Opinions: In re Alperin (1977) 3 FPPC Ops. 77

Enforcement

Decisions: Filiberto Martinez 96/12 (1997)
Anita King 94/409 (1996)
Kevin P. Eckard, et al. 92/115 (1995)
Arnold Townsend 89/394 (1991)
Martin Omoto 87/583 (1990)
Mark Nathanson 85/76 (1986)
Leigh Sheriffs 84/274 (1985)
Pedro Lamdagan 83/17 (1984)

§ 87303. Submission; Code Reviewing Body.

No conflict of interest code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for a new agency shall

be not later than six months after it comes into existence. Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall do one of the following:

(a) Approve the proposed code as submitted.

(b) Revise the proposed code and approve it as revised.

(c) Return the proposed code to the agency for revision and resubmission within 60 days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1979, Ch. 686.; amended by Stats. 1997, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18750.1

§ 87304. Failure to Submit, Adopt or Amend a Proposed Code.

If any agency fails to submit a proposed conflict of interest code or amendments, or if any state agency fails to report amendments pursuant to subdivision (b) of Section 87306 within the time limits prescribed pursuant to Section 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. If the code reviewing body does not issue an appropriate order or take other action within 90 days of the deadline imposed on the agency as prescribed in Section 87303 or 87306, the commission may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. The commission shall consult with the agency before ordering the adoption of a conflict of interest code for the agency.

History: Amended by Stats. 1988, Ch. 923; amended by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 491.

§ 87305. Order to Adopt; Superior Court.

If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the commission, the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any

resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

History: Amended by Stats. 1980, Ch. 765.

§ 87306. Amendments for Changed Circumstances.

(a) Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to subdivision (a) of Section 87302 and relevant changes in the duties assigned to existing positions. Amendments or revisions shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of those changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

(b) Notwithstanding subdivision (a), every state agency shall submit to the code reviewing body a biennial report identifying changes in its code, including, but not limited to, all new positions designated pursuant to subdivision (a) of Section 87302, changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports shall be submitted no later than March 1 of each odd-numbered year.

History: Amended by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 491.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18736
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18750.1
2 Cal. Code of Regs. Section 18752

§ 87306.5. Conflict of Interest Code; Local Agency Review.

(a) No later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code in accordance with this title to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303 to the code reviewing body.

(b) Upon review of its code, if no change in the code is required, the local agency head shall submit a

written statement to that effect to the code reviewing body no later than October 1 of the same year.

History: Added by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18736.1

§ 87307. Amendments to Code by Agency; Failure to Act.

An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18737

§ 87308. Judicial Review.

Judicial review of any action of a code reviewing body under this chapter may be sought by the commission, by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

History: Amended by Stats. 1980, Ch. 765.

§ 87309. Requirements for Approval.

No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

(a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;

(b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or

(c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

References at the time of publication (see page 3):

Opinions: In re Alperin (1977) 3 FPCC Ops. 77

§ 87310. Designated Employee; Broad or Indefinable Duties.

If the duties of a designated employee are so broad or indefinable that the requirements of Section

87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

§ 87311. Review and Preparation; Administrative Procedure Act.

The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

§ 87311.5. Review and Preparation; Judicial Branch Agencies.

(a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

(b) Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.

History: Added by Stats. 1984, Ch. 727, effective July 1, 1985.

§ 87312. Commission Assistance.

The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

§ 87313. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

No person shall make a gift of fifty dollars (\$50) or more in a calendar month on behalf of another, or

while acting as the intermediary or agent of another to a person whom he knows or has reason to know may be required to disclose the gift pursuant to a conflict of interest code, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

History: Added by Stats. 1978, Ch. 640; amended by Stats. 1984, Ch. 931.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18945.3

Article 3.5. Multiagency Filers.

§ 87350

§ 87350. Multiagency Filers.

§ 87350. Multiagency Filers.

Notwithstanding any other provision of this title, a person required to file more than one assuming office statement, statement of economic interests, or leaving office statement, due to his or her status as a designated employee for more than one joint powers insurance agency, may elect to file a multiagency statement disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, in lieu of filing the disclosure statements for each agency.

The filer shall notify the commission of his or her decision to become a multiagency filer. This status shall continue until revoked by the filer.

History: Added by Stats. 1990, Ch. 69.

Article 4. Disqualification of Former Officers and Employees.

§ 87400 - 87407

- § 87400. Definitions.
- § 87401. Restrictions on Activities of Former State Officers.
- § 87402. Restrictions on Activities of Former State Officers; Assisting Others.
- § 87403. Exemptions.
- § 87404. Proceedings to Exclude Former State Officers.
- § 87405. Application of Requirements.
- § 87406. Milton Marks Postgovernmental Employment Restrictions Act.

§ 87406.1. Postgovernmental Employment Restrictions for Districts and District Boards.

§ 87407. Influencing Prospective Employment.

§ 87400. Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the interpretation of this article.

(a) "State administrative agency" means every state office, department, division, bureau, board and commission, but does not include the Legislature, the courts or any agency in the judicial branch of government.

(b) "State administrative official" means every member, officer, employee or consultant of a state administrative agency who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity.

(c) "Judicial, quasi-judicial or other proceeding" means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency, including but not limited to any proceeding governed by Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.

(d) "Participated" means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation or use of confidential information as an officer or employee, but excluding approval, disapproval or rendering of legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

History: Added by Stats. 1980, Ch. 66.

§ 87401. Restrictions on Activities of Former State Officers.

No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceeding if both of the following apply:

(a) The State of California is a party or has a direct and substantial interest.

(b) The proceeding is one in which the former state administrative official participated.

History: Added by Stats. 1980, Ch. 66; amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18747

Enforcement

Decisions: Dennis Walker 94/237 (1996)

Steve Kolodney 94/237 (1996)

§ 87402. Restrictions on Activities of Former State Officers; Assisting Others.

No former state administrative official, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

History: Added by Stats. 1980, Ch. 66.

References at the time of publication (see page 3):

Enforcement

Decisions: Steve Kolodney 94/237 (1996)

Dennis Walker 94/237 (1996)

Nicholas Stameroff 88/382 (1990)

§ 87403. Exemptions.

The prohibitions contained in Sections 87401 and 87402 shall not apply:

(a) To prevent a former state administrative official from making or providing a statement, which is based on the former state administrative official's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or

(b) To communications made solely for the purpose of furnishing information by a former state administrative official if the court or state administrative agency to which the communication is directed makes findings in writing that:

(1) The former state administrative official has outstanding and otherwise unavailable qualifications;

(2) The former state administrative official is acting with respect to a particular matter which requires such qualifications; and

(3) The public interest would be served by the participation of the former state administrative official; or

(c) With respect to appearances or communications in a proceeding in which a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction if the state administrative agency of former employment gives its consent by determining that:

(1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and

(2) The public interest would not be harmed.

History: Added by Stats. 1980, Ch. 66.

§ 87404. Proceedings to Exclude Former State Officers.

Upon the petition of any interested person or party, the court or the presiding or other officer, including but not limited to a hearing officer serving pursuant to Section 11512 of the Government Code, in any judicial, quasi-judicial or other proceeding, including but not limited to any proceeding pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

History: Added by Stats. 1980, Ch. 66.

§ 87405. Application of Requirements.

The requirements imposed by this article shall not apply to any person who left government service prior to the effective date of this article except that any such person who returns to government service on or after the effective date of this article shall thereafter be covered thereby.

History: Added by Stats. 1980, Ch. 66.

§ 87406. Milton Marks Postgovernmental Employment Restrictions Act.

(a) This section shall be known, and may be cited, as the Milton Marks Postgovernment Employment Restrictions Act of 1990.

(b) No Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee

thereof, if the appearance or communication is made for the purpose of influencing legislative action.

(c) No elected state officer, other than a Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or any officer or employee thereof, if the appearance or communication is for the purpose of influencing administrative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this subdivision, an appearance before a "state administrative agency" does not include an appearance in a court of law, before an administrative law judge, or before the Worker's Compensation Appeals Board.

(d) (1) No designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position which entails the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and no member of a state administrative agency, for a period of one year after leaving office or employment, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which he or she worked or represented during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Worker's Compensation Appeals Board. The prohibition of this paragraph shall only apply to designated employees employed by a state administrative agency on or after January 7, 1991.

(2) For purposes of paragraph (1), a state administrative agency of a designated employee of the Governor's office includes any state administrative agency subject to the direction and control of the Governor.

(e) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to any individual subject to this section who is or becomes an officer or employee of another state agency, board, or commission if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission.

(f) This section shall become operative on January 1, 1991, but only if Senate Constitutional Amendment No. 32 of the 1989-90 Regular Session is approved by the voters. With respect to Members of the Legislature whose current term of office on January 1, 1991, began in December 1988, this section shall not apply until January 1, 1993.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1990, Ch. 1075; amended by Stats. 1993, Ch. 230.

References at the time of publication (see page 3):

Enforcement

Decisions: James Cheap 95/49 (1998)

§ 87406.1. Postgovernmental Employment Restrictions for Districts and District Boards.

(a) For purposes of this section, “district” means an air pollution control district or air quality management district and “district board” means the governing body of an air pollution control district or an air quality management district.

(b) No former member of a district board, and no former officer or employee of a district who held a position which entailed the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, shall, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that district board, or any committee, subcommittee, or present member of that district board, or any officer or employee of the district, if the appearance or communication is made for the purpose of influencing regulatory action.

(c) Subdivision (b) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another district or an employee or representative of a public agency.

(d) This section applies to members and former members of district hearing boards.

History: Added by Stats. 1994, Ch. 747.

§ 87407. Influencing Prospective Employment.

No state administrative official, elected state officer, or designated employee of the Legislature shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment.

History: Added by Stats. 1990, Ch. 84.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18747

Enforcement

Decisions: Robert Ruffin 93/291 (1996)

Article 4.5. Disqualification of State Officers and Employees.

§ 87450

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.

(a) In addition to the provisions of Article 1 (commencing with Section 87100), no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family, has engaged in any business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property, or the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more within 12 months prior to the time the official action is to be performed.

(b) As used is subdivision (a), “state administrative official” has the same meaning as defined in Section 87400.

History: Added by Stats. 1986, Ch. 653.

Article 4.6. Loans to Public Officials.

§ 87460 - 87462

§ 87460. Loans to Public Officials.

§ 87461. Loan Terms.

§ 87462. Personal Loans.

§ 87460. Loans to Public Officials.

(a) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(b) No public official who is required to file a statement of economic interests pursuant to Section 87200 and no public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(c) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(d) No public official who is required to file a statement of economic interests pursuant to Section 87200 and no public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of

business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(e) This section shall not apply to the following:

(1) Loans made to the campaign committee of an elected officer or candidate for elective office.

(2) Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

(3) Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.

(4) Loans made, or offered in writing, before the operative date of this section.

History: Added by Stats. 1997, Ch. 638.

§ 87461. Loan Terms.

(a) Except as set forth in subdivision (b), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(b) This section shall not apply to the following types of loans:

(1) Loans made to the campaign committee of the elected officer.

(2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

(3) Loans made, or offered in writing, before the operative date of this section.

(c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

§ 87462. Personal Loans.

(a) Except as set forth in subdivision (b), a personal loan shall become a gift to the debtor for the purposes of this title in the following circumstances:

(1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

(2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

(A) The date the loan was made.

(B) The date the last payment of one hundred dollars (\$100) or more was made on the loan.

(C) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(b) This section shall not apply to the following types of loans:

(1) A loan made to the campaign committee of an elected officer or a candidate for elective office.

(2) A loan that would otherwise not be a gift as defined in this title.

(3) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor has taken reasonable action to collect the balance due.

(4) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

(5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

Article 5. Filing.**§ 87500**

§ 87500. Statements of Economic Interests -- Where to File.

§ 87500. Statements of Economic Interests -- Where to File.

Statements of economic interests required by this chapter shall be filed as follows:

(a) Statewide elected officer -- one original with the agency which shall make and retain a copy and

forward a copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy with the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(b) Candidates for statewide elective office -- one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy with the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(c) Members of the Legislature and Board of Equalization -- one original with the agency which shall make and retain a copy and forward a copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the clerk of the county which contains the largest percentage of registered voters in the election district which the officeholder represents, and one copy to the clerk of the county in which the officeholder resides. No more than one copy of each statement need be filed with the clerk of any one county. The commission shall be the filing officer.

(d) Candidates for the Legislature or the Board of Equalization -- one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission which shall retain the original and send one copy to the clerk of the county which contains the largest percentage of registered voters in the election district in which the candidate seeks nomination or election, and one copy to the clerk of the county in which the candidate resides. No more than one copy of each statement need be filed with the clerk of any one county. The commission shall be the filing officer.

(e) Persons holding the office of chief administrative officer and candidates for and persons holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors -- one original with the county clerk who shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(f) Persons holding the office of city manager or, if there is no city manager, the chief administrative officer, the city treasurer, and candidates for and persons holding the office of city council member, city attorney, and mayor -- one original with the city clerk who shall make and retain a copy and forward the

original to the commission which shall be the filing officer.

(g) Members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, planning commissioners, and members of the California Coastal Commission -- one original with the agency which shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(h) Members of the Fair Political Practices Commission -- one original with the commission which shall make and retain a copy and forward the original to the office of the Attorney General which shall be the filing officer.

(i) Judges, court commissioners, and candidates for the office of judge -- one original with the clerk of the court who shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(j) Except as provided for in subdivision (k), heads of agencies, members of boards or commissions not under a department of state government or members of boards or commissions not under the jurisdiction of a local legislative body -- one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body which shall be the filing officer. In its discretion, the code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

(k) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body, one original to the agency or board or commission which shall be the filing officer, unless at its discretion the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall be filed with the agency, board, or commission, which shall make and retain a copy and forward the original to the Fair Political Practices Commission.

(l) Designated employees of the Legislature -- one original with the house of the Legislature by which the designated employee is employed. In its discretion, each house of the Legislature may provide that the originals of statements filed by its designated employees be filed directly with the commission, and that no copies be retained by that house.

(m) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87350, the original of the statement with the commission which shall be the filing officer, and a

statement with each agency with which they are under contract, declaring that their statement of economic interests is on file with the commission and available upon request.

(n) Members of a state licensing or regulatory board, bureau, or commission -- one original with the agency, which shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(o) Persons not mentioned above -- one original with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

History: Added by Stats. 1979, Ch. 674; amended by Stats. 1983, Ch. 214; amended by Stats. 1984, Ch. 1368; amended by Stats. 1985, Ch. 611; amended by Stats. 1988, Ch. 708; amended by Stats. 1990, Ch. 69; amended by Stats. 1992, Ch. 405; amended by Stats. 1993, Ch. 1140; amended by Stats. 1996, Ch. 289.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18115
2 Cal. Code of Regs. Section 18227
2 Cal. Code of Regs. Section 18753

Enforcement

Decisions: Susan Daily 89/422 (1991)
Susan Daily 86/314 (1987)
Juan Casillas 76/69 (1980)

Chapter 8. Ballot Pamphlet.

§ 88000 - 88007

- § 88000. Responsibility.
- § 88001. Contents.
- § 88002. Format.
- § 88002.5. Summary.
- § 88003. Duties of Legislative Analyst.
- § 88004. Manner, Form of Printing Measures.
- § 88005. Printing Specifications.
- § 88005.5. Duties of Legislative Counsel.
- § 88006. Public Examination of Pamphlet.
- § 88007. Amendment of Chapter by Legislature.

§ 88000. Responsibility.

There shall be a state ballot which shall be prepared by the Secretary of State.

§ 88001. Contents.

The ballot pamphlet shall contain all of the following:

- (a) A complete copy of each state measure.
- (b) A copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by each state measure.

(c) A copy of the arguments and rebuttals for and against each state measure.

(d) A copy of the analysis of each state measure.

(e) Tables of contents, indexes, art work, graphics and other materials which the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

(f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county clerk upon request.

(g) A written explanation of the judicial retention procedure as required by Section 9083 of the Elections Code.

History: Amended by Stats. 1977, Ch. 520; amended by Stats. 1991, Ch. 491; amended by Stats. 1994, Ch. 923.

References at the time of publication (see page 3):

Opinions: In re Miller (1978) 4 FPPC Ops. 26
In re Bunyon (1976) 2 FPPC Ops. 10

§ 88002. Format.

The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(a) Upon the top portion of the first page and not exceeding one-third of the page shall appear:

(1) The identification of the measure by number and title.

(2) The official summary prepared by the Attorney General.

(3) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or

revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

History: Amended by Stats. 1990, Ch. 1430.

§ 88002.5. Summary.

(a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, which provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

(c) This section shall remain in effect only until January 1, 1999, and as of that date is repealed unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

History: Added by Stats. 1993, Ch. 156.

§ 88003. Duties of Legislative Analyst.

The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The

Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his or her analysis. Prior to submission of the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be bilingual, and one shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section. The title of the measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact.

History: Amended by Stats. 1975, Ch. 486, effective September 2, 1975; amended by Stats. 1992, Ch. 232.

§ 88004. Manner, Form of Printing Measures.

Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

§ 88005. Printing Specifications.

The ballot pamphlet shall be printed according to the following specifications:

- (a) The pages of the pamphlet shall be not smaller than 8 x 11 inches in size;
- (b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type;
- (c) It shall be printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters;
- (d) The pamphlet shall contain a certificate of correctness by the Secretary of State.

References at the time of publication (see page 3):

Opinions: In re Miller (1978) 4 FPPC Ops. 26.

§ 88005.5. Duties of Legislative Counsel.

The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

§ 88006. Public Examination of Pamphlet.

Not less than 20 days before he or she submits the copy for the ballot pamphlet to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring the copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

History: Amended by Stats. 1996, Ch. 724.

§ 88007. Amendment of Chapter by Legislature.

Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

Chapter 9. Incumbency.

§ 89000 - 89001

§ 89000. Order of Names on Ballot.

§ 89001. Newsletter or Mass Mailing.

§ 89000. Order of Names on Ballot.

Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent.

§ 89001. Newsletter or Mass Mailing.

No newsletter or other mass mailing shall be sent at public expense.

History: Amended by Stats. 1986, Ch. 654; amended by Stats. 1987, Ch. 230; amended by Prop. 73 of the June 1988 statewide primary election, effective June 8, 1988.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18901

Opinions: In re Miller (1978) 4 FPPC Ops. 26

Enforcement

Decisions: Bell Gardens, City of 96/187 (1997)
Poway Unified School District/Robert Reeves
 89/430 (1991)

Chapter 9.5. Ethics.

§ 89500 - 89522

- Article 1. Honoraria. § 89500 - 89503.5
 2. Gifts. § 89504 - 89505.5
 3. Travel. § 89506 - 89507
 4. Campaign Funds. § 89510 - 89522

Article 1. Honoraria.

§ 89500 - 89503.5

- § 89500. Chapter Title.
 § 89501. Statements of Economic Interests -
 Where to File; Regulatory or
 Licensing Boards, Bureaus or
 Commissions. [Renumbered
 87500(n)]
 § 89501. Honoraria.
 § 89502. Honorarium.
 § 89503. Gift Limits.
 § 89503.5. Operation of Article. [Repealed]

§ 89500. Chapter Title.

This chapter shall be known and may be cited at the Ethics in Government Act of 1990.

History: Added by Stats. 1990, Ch. 84.

§ 89501. Statements of Economic Interests - Where to File; Regulatory or Licensing Boards, Bureaus or Commissions.

History: Added by Stats. 1991, Ch. 857; repealed and renumbered § 87500(n), Stats. 1992, Ch. 405.

§ 89501. Honoraria.

(a) For purposes of this chapter, "honorarium" means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) The term "honorarium" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the

sole or predominant activity of the business, trade, or profession is making speeches. The commission shall adopt regulations to implement this subdivision.

(2) Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to his or her agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.

(c) Section 89506 shall apply to all payments, advances, or reimbursements for travel and related lodging and subsistence.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1994, Ch. 36; amended by Stats. 1994, Ch. 1105; repealed and new section added by Stats. 1995, Ch. 690.

References at the time of publication (see page 3):

- Regulations: 2 Cal. Code of Regs. Section 18730
 2 Cal. Code of Regs. Section 18930
 2 Cal. Code of Regs. Section 18931.1
 2 Cal. Code of Regs. Section 18931.2
 2 Cal. Code of Regs. Section 18931.3
 2 Cal. Code of Regs. Section 18932
 2 Cal. Code of Regs. Section 18932.1
 2 Cal. Code of Regs. Section 18932.2
 2 Cal. Code of Regs. Section 18932.3
 2 Cal. Code of Regs. Section 18932.4
 2 Cal. Code of Regs. Section 18932.5
 2 Cal. Code of Regs. Section 18933
 2 Cal. Code of Regs. Section 18950.1

§ 89502. Honorarium.

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept any honorarium.

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept any honorarium. A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission and no designated employee of a state or local government agency shall accept an honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

History: Added by Stats. 1990, Ch. 84; repealed and new section added by Stats. 1995, Ch. 690; amended by Stats. 1996, Ch. 1056.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730
 2 Cal. Code of Regs. Section 18736
 2 Cal. Code of Regs. Section 18930
 2 Cal. Code of Regs. Section 18931.1
 2 Cal. Code of Regs. Section 18931.2
 2 Cal. Code of Regs. Section 18931.3
 2 Cal. Code of Regs. Section 18932
 2 Cal. Code of Regs. Section 18932.1
 2 Cal. Code of Regs. Section 18932.2
 2 Cal. Code of Regs. Section 18932.3
 2 Cal. Code of Regs. Section 18932.4
 2 Cal. Code of Regs. Section 18932.5
 2 Cal. Code of Regs. Section 18933
 2 Cal. Code of Regs. Section 18950.1

§ 89503. Gift Limits.

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty (\$250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1993, Ch. 769; repealed and new section added by Stats. 1995, Ch. 690; amended by Stats. 1996, Ch. 1056.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730
 2 Cal. Code of Regs. Section 18736
 2 Cal. Code of Regs. Section 18940
 2 Cal. Code of Regs. Section 18940.2
 2 Cal. Code of Regs. Section 18941
 2 Cal. Code of Regs. Section 18941.1
 2 Cal. Code of Regs. Section 18942
 2 Cal. Code of Regs. Section 18942.1
 2 Cal. Code of Regs. Section 18943
 2 Cal. Code of Regs. Section 18944.2
 2 Cal. Code of Regs. Section 18945
 2 Cal. Code of Regs. Section 18945.1
 2 Cal. Code of Regs. Section 18946
 2 Cal. Code of Regs. Section 18946.2
 2 Cal. Code of Regs. Section 18950
 2 Cal. Code of Regs. Section 18950.1
 2 Cal. Code of Regs. Section 18950.3

Enforcement

Decisions: James R. Battin, Jr. 96/686 (1998)
William J. Ordas 94/209 (1996)
Jerold Cohn 94/209 (1996)
Edward Vincent 95/186 (1996)

§ 89503.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 857.

Article 2. Gifts.

§ 89504 - 89505.5

§ 89504. Gifts; Limitations. [Repealed]

§ 89505. Gifts; Prohibitions. [Repealed]

§ 89505.5. Operation of Article. [Repealed]

§ 89504. Gifts; Limitations. [Repealed]

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1994, Ch. 1105; repealed by Stats. 1995, Ch. 690

§ 89505. Gifts; Prohibitions. [Repealed]

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1995, Ch. 690.

§ 89505.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 857.

Article 3. Travel.

§ 89506 - 89507

§ 89506. Travel Payments, Advances and Reimbursements.

§ 89507. Operation of Article. [Repealed]

§ 89506. Travel Payments, Advances and Reimbursements.

(a) Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited or limited by this chapter if either of the following apply:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elected state office or local elected office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a

governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in subdivision (a) are subject to the limits in Section 89503.

(c) Subdivision (a) applies only to travel that is reported on the recipient's statement of economic interests.

(d) For purposes of this section, a gift of travel does not include any of the following:

(1) Travel that is paid for from campaign funds, as permitted by Article 4 (commencing with Section 89510), or that is a contribution.

(2) Travel that is provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 87200, or a designated employee.

(3) Travel that is reasonably necessary in connection with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(4) Travel that is excluded from the definition of a gift by any other provision of this title.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 674; amended by Stats. 1994, Ch. 1105; amended by Stats. 1995, Ch. 690; amended by Stats. 1997, Ch. 455, effective September 24, 1997.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18930
 2 Cal. Code of Regs. Section 18931.1
 2 Cal. Code of Regs. Section 18931.2
 2 Cal. Code of Regs. Section 18931.3
 2 Cal. Code of Regs. Section 18932
 2 Cal. Code of Regs. Section 18932.1
 2 Cal. Code of Regs. Section 18932.2
 2 Cal. Code of Regs. Section 18932.3
 2 Cal. Code of Regs. Section 18932.4
 2 Cal. Code of Regs. Section 18932.5
 2 Cal. Code of Regs. Section 18933
 2 Cal. Code of Regs. Section 18940
 2 Cal. Code of Regs. Section 18940.2
 2 Cal. Code of Regs. Section 18941
 2 Cal. Code of Regs. Section 18941.1

2 Cal. Code of Regs. Section 18943
 2 Cal. Code of Regs. Section 18944.2
 2 Cal. Code of Regs. Section 18945.1
 2 Cal. Code of Regs. Section 18946.2
 2 Cal. Code of Regs. Section 18950
 2 Cal. Code of Regs. Section 18950.1
 2 Cal. Code of Regs. Section 18950.3

§ 89507. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 1271.

Article 4. Campaign Funds.

§ 89510 - 89522

- § 89510. Acceptable Contributions.
- § 89511. Campaign Funds Held by Candidates and Committees.
- § 89511.5. Use of Personal Funds for Incumbent Elected Officers.
- § 89512. Expenditures Associated with Holding Office.
- § 89512.5. Expenditures by Committees not Controlled by Candidates.
- § 89513. Use of Campaign Funds for Specific Activities.
- § 89514. Use of Campaign Funds for Attorney's Fees.
- § 89515. Use of Campaign Funds for Donations and Loans.
- § 89516. Use of Campaign Funds for Vehicle Expenses.
- § 89517. Use of Campaign Funds for Real Property, Appliances or Equipment.
- § 89517.5. Use of Campaign Funds for Security System.
- § 89518. Use of Campaign Funds for Compensation.
- § 89519. Use of Surplus Campaign Funds.
- § 89520. Violations.
- § 89521. Unlawful Honorarium, Gift or Expenditure.
- § 89522. Campaign Funds; Prohibited Use Under Elections Code.

§ 89510. Acceptable Contributions. [Previously § 85202.]

(a) A candidate may only accept contributions from persons, political committees, broad based political committees, and political parties and only in the amounts specified in Article 3 (commencing with Section 85300). A candidate shall not accept contributions from any other source.

(b) All contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate

to the specific office for which the candidate has stated, pursuant to Section 85200, that he or she intends to seek or expenses associated with holding that office.

(c) In the event that the numerical reference to a district changes due to a reapportionment subsequent to a candidate declaring an intention to seek a specific office, the candidate may use the contribution raised under the old-numbered district to seek office, and for office expenses, in the new-numbered district.

(d) In the event that the boundaries of the district for a specific office change as a result of a reapportionment which is enacted after a candidate files a statement of intention to be a candidate for that specific office, the candidate may use any contributions received for that specific office for expenses associated with the election of the candidate to any other equivalent district office of the agency body which includes the specific office, at the next election for that other district office, and for expenses associated with holding that other district office.

History: Added by Stats. 1990, Ch. 84.

References at the time of publication (see page 3):

Enforcement

Decisions: Bernard Herschel Thomson, aka Skip Thomson
 96/497 (1998)

§ 89511. Campaign Funds Held by Candidates and Committees. [Previously § 85800.]

(a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, "committee" means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(3) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign funds which results in a direct personal benefit with a value of more than one hundred dollars (\$100) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

(4) For purposes of this article, “household” includes the candidate’s or elected officer’s spouse, dependent children, and parents who reside with the candidate or elected officer.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

§ 89511.5. Use of Personal Funds for Incumbent Elected Officers.

(a) An incumbent elected officer may utilize his or her personal funds for expenditures authorized by subdivision (b) of Section 89510 without first depositing those funds in his or her controlled committee’s campaign bank account, if both of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The treasurer of the committee is provided with a dated receipt and a written description of the expenditure.

(b) An incumbent elected officer may be reimbursed for expenditures of his or her personal funds, from either the controlled committee campaign bank account established pursuant to Section 85201 with respect to election to the incumbent term of office, or from a controlled committee campaign bank account established pursuant to Section 85201 with respect to election to a future term of office, if all of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The incumbent elected officer, prior to reimbursement, provides the treasurer of the committee with a dated receipt and a written description of each expenditure.

(3) Reimbursement is paid within 90 days of the expenditure, in the case of a cash expenditure, or within 90 days of the end of the billing period in which it was included, in the case of an expenditure charged to a credit card or charge account.

(c) When the elected officer’s controlled committee is notified that expenditures totaling one hundred dollars (\$100) or more in a fiscal year have been made by the incumbent elected officer, the committee shall report, pursuant to subdivision (j) of Section 84211, the expenditures on the campaign statement for the period in which the expenditures were made and the reimbursements on the campaign statement for the period in which the reimbursements were made.

(d) If reimbursement is not paid within the time authorized by this section, the expenditure shall be reported on the campaign statement as a nonmonetary contribution received on the 90th day after the expenditure is paid, in the case of a cash expenditure, or within 90 days of the end of the billing period in

which it was included, in the case of an expenditure charged to a credit card or charge account.

(e) This section shall not be construed to authorize an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those expenses associated with his or her election to the specific office for which the account was established and expenses associated with holding that office.

History: Added by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):

Enforcement

Decisions: Margaret Pryor 94/476 (1998)

§ 89512. Expenditures Associated with Holding Office. [Previously § 85801.]

An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

History: Added by Stats. 1990, Ch. 84.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531.3

Enforcement

Decisions: Floyd H. Weaver, et al. 95/183 (1995)

§ 89512.5. Expenditures by Committees not Controlled by Candidates.

(a) Subject to the provisions of subdivision (b), any expenditure by a committee not subject to the trust imposed by subdivision (b) of Section 89510 shall be reasonably related to a political, legislative, or governmental purpose of the committee.

(b) Any expenditure by a committee that confers a substantial personal benefit on any individual or individuals with authority to approve the expenditure of campaign funds held by the committee, shall be directly related to a political, legislative, or governmental purpose of the committee.

History: Added by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):

Enforcement

Decisions: Irvine Police Assn., et al. 93/115 (1996)

§ 89513. Use of Campaign Funds for Specific Activities. [Previously § 85802.]

The following provisions govern the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that these provisions shall guide the interpretation of the standard imposed by Section 89512 as applied to other expenditures not specifically set forth below.

(a) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(1) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet standards similar to the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(2) For the purposes of this section, payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

(3) Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, the expenditure shall be reported as required by paragraph (7) of subdivision (j) of Section 84211.

(4) Whenever campaign funds are used to pay or reimburse for travel expenses and necessary accommodations, any mileage credit which is earned or awarded pursuant to an airline bonus mileage program shall be deemed personally earned by or awarded to the individual traveler. Neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be subject to reporting pursuant to Section 84211.

(b) Campaign funds shall not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

(1) Expenditures by a committee to pay for professional services reasonably required by the committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay health-related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of his or her household. "Health-related expenses" include, but are not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses or medications, treatments or medical equipment, expenses for hospitalization, health club dues, and special dietary foods. However, campaign funds may be used to pay employer costs of health care benefits of a bona fide employee or independent contractor of the committee.

(c) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(1) Parking citations incurred in the performance of an activity which was directly related to a political, legislative, or governmental purpose.

(2) Any other action for which payment of attorney's fees from contributions would be permitted pursuant to this title.

(d) Campaign funds shall not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, including, but not limited to, formal wear, where this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.

(e) Except where otherwise prohibited by law, campaign funds may be used to purchase or reimburse for the costs of purchase of tickets to political fundraising events for the attendance of a candidate, elected officer, or his or her immediate family, or an officer, director, employee, or staff of the committee or the elected officer's governmental agency.

(1) Campaign funds shall not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of his or her immediate family, or an officer, director, employee, or staff of the committee, unless their attendance at the event is directly related to a political, legislative, or governmental purpose.

(2) The purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family are governed by subdivision (f).

(f) (1) Campaign funds shall not be used to make personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. The refund of a campaign contribution does not constitute the making of a gift.

Nothing in this section shall prohibit the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or committee while on vacation, leave, or otherwise outside of compensated public time.

(2) An election victory celebration or similar campaign event, or gifts with a total cumulative value of less than two hundred fifty dollars (\$250) in a single year made to an individual employee, a committee worker, or an employee of the elected officer's agency, are considered to be directly related to a political, legislative, or governmental purpose. For purposes of this paragraph, a gift to a member of a person's immediate family shall be deemed to be a gift to that person.

(g) Campaign funds shall not be used to make loans other than to organizations pursuant to Section 89515, or, unless otherwise prohibited, to a candidate for elective office, political party, or committee.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1990, Ch. 1075; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):

Enforcement

Decisions: Bernard Herschel Thomson, aka Skip Thomson 96/497 (1998)
Mickey Conroy, et al. 95/537 (1998)
Citizens for Cardroom Referendum/Ted Frazier, Treasurer 92/483 (1997)
Richard Polanco 94/216 (1996)
Valerie C. Johnson-Morton, et al. 94/220 (1996)
Charles Calderon, et al. 91/159 (1995)
Kevin P. Eckard, et al. 92/115 (1995)

§ 89514. Use of Campaign Funds for Attorney's Fees. [Previously § 85802.5.]

Expenditures of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose except where the litigation is directly related to activities of a committee that are consistent with its primary objectives or arises directly out of a committee's activities or out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action to enjoin defamation, defense of an action brought for a violation of state or local campaign,

disclosure, or election laws, and an action arising from an election contest or recount.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

§ 89515. Use of Campaign Funds for Donations and Loans. [Previously § 85803.]

Campaign funds may be used to make donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organizations, where no substantial part of the proceeds will have a material financial effect on the candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or member of his or her immediate family, and where the donation or loan bears a reasonable relation to a political, legislative, or governmental purpose.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):

Enforcement

Decisions: Robert Smith 91/587 (1992)

§ 89516. Use of Campaign Funds for Vehicle Expenses. [Previously § 85804.]

Notwithstanding Sections 89512 and 89513, this section governs the use of campaign funds for vehicle expenses.

(a) Campaign funds shall not be used to purchase a vehicle unless both of the following apply:

(1) Title to the vehicle is held by the committee and not the candidate, elected officer, campaign treasurer, or any other individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or a member of his or her immediate family.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(b) Campaign funds shall not be used to lease a vehicle unless both of the following apply:

(1) The lessee is the committee, or a state or local government agency and not the candidate, elected officer, or a member of his or her immediate family; or the lessor is a state or local government agency.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(c) Campaign funds may be used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for any vehicle for which campaign funds may be spent pursuant to this section.

(d) Campaign funds may be used to reimburse a candidate, elected officer, his or her immediate family, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or an employee or member of the staff of the committee or of the elected officer's governmental agency, for the use of his or her vehicle at the rate approved by the Internal Revenue Service pursuant to Section 162 of the Internal Revenue Code in connection with deductible mileage expenses under the federal income tax law, if both of the following requirements are met:

(1) The vehicle use for which reimbursement is sought is directly related to political, governmental, or legislative purposes.

(2) The specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.

(e) For the purposes of this section, use of a vehicle is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18961

§ 89517. Use of Campaign Funds for Real Property, Appliances or Equipment. [Previously § 85805.]

(a) Campaign funds shall not be used for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment, where the lessee or sublessor is, or the legal title resides, in whole or in part, in a candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds, or member of his or her immediate family.

(b) Campaign funds shall not be used to purchase real property. Except as prohibited by subdivision (a), campaign funds may be used to lease real property for up to one year at a time where the use of that property is directly related to political, legislative, or governmental purposes.

(c) For the purposes of this section, real property, appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other

purposes is only incidental to its use for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18951

Enforcement

Decisions: J. Stanley Sanders, et al. 94/711 (1998 Civil Suit)

Citizens for Cardroom Referendum/Ted

Frazier, Treasurer 92/483 (1997)

Curtis Tucker, Jr. 94/185 (1996)

Curtis Tucker, Jr. 91/605 (1993)

§ 89517.5. Use of Campaign Funds for Security System.

Notwithstanding Section 89517, campaign funds may be used to pay, or reimburse the state, for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. The candidate or elected officer shall reimburse the campaign fund account for the costs of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time the property is sold.

History: Added by Stats. 1993, Ch. 1143.

§ 89518. Use of Campaign Funds for Compensation. [Previously § 85806.]

(a) Campaign funds shall not be used to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

(b) Campaign funds shall not be used to compensate any individual or individuals with authority to approve the expenditure of campaign funds for the performance of political, legislative, or governmental activities, except as provided in subdivision (b) of Section 89513 and for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

§ 89519. Use of Surplus Campaign Funds. [Previously § 85807.]

Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100) and shall be used only for the following purposes:

(a) (1) The payment of outstanding campaign debts or elected officer's expenses.

(2) For purposes of this subdivision, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed an outstanding campaign debt or elected officer's expense, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds became surplus campaign funds. The candidate or elected officer shall reimburse the surplus campaign fund account for the fair market

value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds, upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

(b) The pro rata repayment of contributions.

(c) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

(d) Contributions to a political party or committee so long as the funds are not used to make contributions in support of or opposition to a candidate for elective office.

(e) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

(f) The payment for professional services reasonably required by the committee to assist in the performance of its administrative functions, including payment for attorney's fees for litigation which arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought of a violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546; amended by Stats. 1993, Ch. 1143; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18519.4

Enforcement

Decisions: Ron May, et al. 92/617 (1993)

Norman S. Waters 91/406 (1992)

§ 89520. Violations.

The remedies provided in Chapter 11 (commencing with Section 91000) shall not apply to violations of this chapter.

History: Added by Stats. 1990, Ch. 84.

§ 89521. Unlawful Honorarium, Gift or Expenditure.

Any person who makes or receives an honorarium, gift, or expenditure in violation of this chapter is liable in a civil action brought by the commission for an amount of up to three times the amount of the unlawful honorarium, gift, or expenditure.

History: Added by Stats. 1990, Ch. 84.

§ 89522. Campaign Funds; Prohibited Use Under Elections Code.

This chapter shall not be construed to permit an expenditure of campaign funds prohibited by Section 18680 of the Elections Code.

History: Added by Stats. 1991, Ch. 546; amended by Stats. 1994, Ch. 923

**Chapter 10. Auditing.
§ 90000 - 90007**

- § 90000. Responsibility.
- § 90001. Mandatory Audits and Investigations.
- § 90002. Audits and Investigations; Time.
- § 90003. Discretionary Audits.
- § 90004. Periodic Reports; Public Documents.
- § 90005. Confidentiality; Exception.
- § 90006. Audit and Investigation by Commission.
- § 90007. Auditing Guidelines and Standards.

§ 90000. Responsibility.

Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to the following:

- (a) Reports and statements filed with the Secretary of State under Chapters 4 and 6 of this title.
- (b) Local candidates and their controlled committees selected for audit pursuant to subdivision (i) of Section 90001.

History: Amended by Stats. 1987, Ch. 230.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18994
2 Cal. Code of Regs. Section 18995

§ 90001. Mandatory Audits and Investigations.

Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

- (a) Each lobbying firm and each lobbyist employer who employs one or more lobbyists shall be subject to an audit on a random basis with these lobbying firms or lobbyist employers having a 25-percent chance of being audited. When a lobbying

firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer shall also be audited.

(b) Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election for whom it is determined that twenty-five thousand dollars (\$25,000) or more in contributions have been raised or twenty-five thousand dollars (\$25,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or whose participation in the direct primary or general election is primarily in support of his or her candidacy. Each statewide candidate whose contributions and expenditures are less than twenty-five thousand dollars (\$25,000) shall be subject to an audit on a random basis of 10 percent of the number of such candidates.

(c) Each candidate for the Legislature or superior court judge in a direct primary or general election shall be subject to audit by random selection if it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been received or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy. Random selection shall be made of 25 percent of the Senate districts, 25 percent of the Assembly districts and 25 percent of the judicial offices contested in an election year.

(d) Each candidate for the Legislature in a special primary or special runoff election for whom it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been raised or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy.

(e) Each controlled committee of any candidate who is being audited pursuant to subdivision (b), (c), or (d).

(f) Each committee, other than a committee specified in subdivision (c) of Section 82013, primarily supporting or opposing a candidate who is being audited pursuant to subdivision (b), (c), or (d) if it is determined that the committee has expended more than ten thousand dollars (\$10,000).

(g) Each committee, other than a committee specified in subdivision (c) of Section 82013, whose participation is primarily in support of or in opposition to a state measure or state measures if it is determined that the committee has expended more than ten thousand dollars (\$10,000) on such measure or measures.

(h) Each committee, other than a committee defined in subdivision (c) of Section 82013, a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if it is determined that the committee has raised or expended more than ten thousand dollars (\$10,000) supporting or opposing state candidates or state measures during any calendar year, except that if the commission determines from an audit report that a committee is in substantial compliance with the provisions of the act, the committee thereafter shall be subject to an audit on a random basis with each such committee having a 25-percent chance of being audited.

(i) (1) With respect to local candidates and their controlled committees, the commission shall promulgate regulations which provide a method of selection for these audits.

(2) With respect to candidates for the Board of Administration of the Public Employees' Retirement System, the commission shall promulgate regulations that provide a method for selection of these audits. The Public Employees' Retirement System shall reimburse the commission for all reasonable expenses incurred pursuant to this section.

(j) In accordance with subdivisions (a), (b), (c), and (h), the Fair Political Practices Commission shall select by lot the persons or districts to be audited on a random basis. For campaign audits the selection shall be made in public after the last date for filing the first report or statement following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated. For lobbying firm and lobbyist employer audits, the selection shall be made in public in February of odd-numbered years.

History: Amended by Stats. 1978, Ch. 1411; amended by Stats. 1979, Ch. 551; amended by Stats. 1984, Ch. 1368; amended by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 835; amended by Stats. 1994, Ch. 1139; amended by Stats. 1998, Ch. 923.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18601
2 Cal. Code of Regs. Section 18991
2 Cal. Code of Regs. Section 18992
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18994
2 Cal. Code of Regs. Section 18995

§ 90002. Audits and Investigations; Time.

(a) Audits and investigations of lobbying firms and lobbyist employers shall be performed on a biennial basis and shall cover reports filed during a period of two years.

(b) If a lobbying firm or lobbyist employer keeps a separate account for all receipts and payments for

which reporting is required by this chapter, the requirement of an audit under subdivision (a) of Section 90001 shall be satisfied by an audit of that account and the supporting documentation required to be maintained by Section 86110.

(c) No audit or investigation of any candidate, controlled committee, or committee primarily supporting or opposing a candidate or a measure in connection with a report or statement required by Chapter 4 of this title, shall begin until after the last date for filing the first report or statement following the general, runoff or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated, except that audits and investigations of statewide candidates, their controlled committees, and committees primarily supporting or opposing those statewide candidates who were defeated in the primary election and who are not required to file statements for the general election may begin after the last date for filing the first report or statement following the primary election. When the campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate are audited and investigated pursuant to Section 90001, the audit and investigation shall cover all campaign statements and reports filed for the primary and general or special or runoff elections and any previous campaign statement or report filed pursuant to Section 84200 or 84200.5 since the last election for that office, but shall exclude any statements or reports which have previously been audited pursuant to Section 90001 or 90003. When the campaign statements or reports of a committee primarily supporting or opposing a measure are audited and investigated, the audit and investigation shall cover all campaign statements and reports from the beginning date of the first campaign statement filed by the committee in connection with the measure. For all other committees, the audit and investigation shall cover all campaign statements filed during the previous two calendar years.

History: Amended by Stats. 1976, Ch. 564; amended by Stats. 1977, Ch. 492; amended by Stats. 1978, Ch. 1411; amended by Stats. 1980, Ch. 289; operative January 1, 1982; amended by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 905; amended by Stats. 1988, Ch. 442; amended by Stats. 1994, Ch. 1139.

§ 90003. Discretionary Audits.

In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the Commission may make investigations and audits with respect to any reports or statements required by Chapters 4 and 6 of this title.

§ 90004. Periodic Reports; Public Documents.

The Franchise Tax Board shall periodically prepare reports which, except as otherwise provided in this section, shall be sent to the commission, the Secretary of State, and the Attorney General. If the reports relate to candidates for or committees supporting or opposing candidates for the office of Attorney General, the reports shall be sent to the commission, the Secretary of State and the District Attorneys of Los Angeles, Sacramento and San Francisco Counties. If the reports relate to local candidates and their controlled committees, the reports shall be sent to the commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign reports pursuant to Section 84215 and the district attorney for the candidate's county of domicile. The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed. The Secretary of State and the local filing officer shall place the audit reports in the appropriate campaign statement or lobbying files.

History: Amended by Stats. 1976, Ch. 564; amended by Stats. 1979, Ch. 531; amended by Stats. 1987, Ch. 230.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18995

§ 90005. Confidentiality; Exception.

No member, employee or agent of the Franchise Tax Board shall divulge or make known in any manner any particulars of any record, documents, or information which he receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or in connection with any court proceeding or any lawful investigation of any agency.

§ 90006. Audit and Investigation by Commission.

Audits and field investigations of candidates for Controller and member of the Board of Equalization and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.

§ 90007. Auditing Guidelines and Standards.

(a) The commission shall adopt auditing guidelines and standards which shall govern audits and field investigations conducted under Section

90001. The guidelines and standards shall be formulated to accomplish the following purposes:

(1) The audits should encourage compliance and detect violations of this title;

(2) The audits should be conducted with maximum efficiency in a cost-effective manner; and

(3) The audits should be as unobtrusive as possible consistent with the foregoing purposes.

(b) In adopting its guidelines and standards the commission shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.

History: Added by Stats. 1978, Ch. 779, effective September 18, 1978.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18995

Chapter 11. Enforcement.

§ 91000 - 91015

- § 91000. Violations; Criminal.
- § 91000.5. Administrative Proceedings.
- § 91001. Responsibility for Enforcement.
- § 91001.5. Authority of City Attorneys of Charter Cities.
- § 91002. Effect of Conviction.
- § 91003. Injunction.
- § 91003.5. Conflicts of Interest Violation.
- § 91004. Violations of Reporting Requirement; Civil Liability.
- § 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.
- § 91005.5. Civil Penalties.
- § 91006. Joint and Several Liability.
- § 91007. Procedure for Civil Actions.
- § 91008. Judgment on the Merits; Precedence; Dismissal.
- § 91008.5. Civil Action Precluded by Commission Order.
- § 91009. Considerations; Liability.
- § 91010. Campaign Disclosure Violations; Request to Civil Prosecutor.
- § 91011. Statute of Limitations.
- § 91012. Costs; Attorney Fees; Bond.
- § 91013. Late Filing of Statement or Report; Fees.
- § 91013.5. Collection of Penalties.
- § 91014. Applicability of Other State Law.
- § 91015. Liability for Violations; Criminal and Civil.

§ 91000. Violations; Criminal.

(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

History: Amended by Stats. 1978, Ch. 1411; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

§ 91000.5. Administrative Proceedings.

No administrative action brought pursuant to Chapter 3 (commencing with Section 83100) alleging a violation of any of the provisions of this title shall be commenced more than five years after the date on which the violation occurred.

(a) The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.

(b) If the person alleged to have violated this title engages in the fraudulent concealment of his or her acts or identity, the five-year period shall be tolled for the period of concealment. For purposes of this subdivision, "fraudulent concealment" means the person knows of material facts related to his or her duties under this title and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.

(c) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under Chapter 3 (commencing with Section 83100), the person alleged to have violated this title fails to produce documents in response to the order by the date ordered to comply therewith, the five-year period shall be tolled for the period of the delay from the date of filing of the motion to compel until the date of the documents are produced.

History: Added by Stats. 1997, Ch. 179.

§ 91001. Responsibility for Enforcement.

(a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a

violation occurs has concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the commission.

(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.

History: Amended by Stats. 1976, Ch. 1161; repealed and reenacted as amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1979, Ch. 357.

§ 91001.5. Authority of City Attorneys of Charter Cities.

In any case in which a district attorney could act as the civil or criminal prosecutor under the provisions of this title, the elected city attorney of any charter city may act as the civil or criminal prosecutor with respect to any violations of this title occurring within the city.

History: Added by Stats. 1976, Ch. 594, effective August 26, 1976.

§ 91002. Effect of Conviction.

No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of the sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

§ 91003. Injunction.

(a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this title. The court may in its discretion require any plaintiff other than the commission to file a complaint with the commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who

prevails his costs of litigation, including reasonable attorney's fees.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 (commencing with Section 87100), Article 4 (commencing with Section 87400), or Article 4.5 (commencing with Section 87450) of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include, but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

History: Amended by Stats. 1976, Ch. 1161; amended by Stats. of 1987, Ch. 628.

§ 91003.5. Conflicts of Interest Violation.

Any person who violates a provision of Article 2 (commencing with Section 87200), 3 (commencing with Section 87300), or 4.5 (commencing with Section 87450) of Chapter 7 is subject to discipline by his or her agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

History: Amended by Stats. 1986, Ch. 653.

§ 91004. Violations of Reporting Requirements; Civil Liability.

Any person who intentionally or negligently violates any of the reporting requirements of this act shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

History: [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18427

§ 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.

(a) Any person who makes or receives a contribution, gift or expenditure in violation of Section 84300, 84304, 86203, or 86204 is liable in a

civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee or public official specified in Section 87200, other than an elected state officer, who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a conflict of interest code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

History: Amended by Stats. 1997, Ch. 455, effective September 24, 1997.

§ 91005.5. Civil Penalties.

Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to two thousand dollars (\$2,000).

No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.

The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.

History: Amended by Stats. 1982, Ch. 727; [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

§ 91006. Joint and Several Liability.

If two or more persons are responsible for any violation, they shall be jointly and severally liable.

History: [Proposition 208 of the November 1996 Statewide General Election amended version in Appendix.]

§ 91007. Procedure for Civil Actions.

(a) Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond within forty days after receipt of the request, indicating whether he intends to file a civil action. If the civil prosecutor indicates in the affirmative, and files suit within forty days thereafter, no other action may be brought unless the action brought by the civil

prosecutor is dismissed without prejudice as provided for in Section 91008.

(b) Any person filing a complaint, cross-complaint or other initial pleading in a civil action pursuant to Sections 91003, 91004, 91005, or 91005.5 shall, within 10 days of filing the complaint, cross-complaint, or initial pleading, serve on the Fair Political Practices Commission a copy of the complaint, cross-complaint, or initial pleading or a notice containing all of the following:

- (1) The full title and number of the case.
- (2) The court in which the case is pending.
- (3) The name and address of the attorney for the person filing the complaint, cross-complaint, or other initial pleading.
- (4) A statement that the case raises issues under the Political Reform Act.

(c) No complaint, cross-complaint, or other initial pleading shall be dismissed for failure to comply with subdivision (b).

History: Amended by Stats. 1985, Ch. 1200.

§ 91008. Judgment on the Merits; Precedence; Dismissal.

Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

§ 91008.5. Civil Action Precluded by Commission Order.

No civil action may be filed under Section 91004, 91005, or 91005.5 with regard to any person for any violations of this title after the commission has issued an order pursuant to Section 83116 against that person for the same violation.

History: Added by Stats. 1984, Ch. 670.

§ 91009. Considerations; Liability.

In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the

plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

§ 91010. Campaign Disclosure Violations; Request to Civil Prosecutor.

No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 (commencing with Section 84100) until the time when an audit and investigation could be begun under subdivision (c) Section 90002.

History: Amended by Stats. 1992, Ch. 405.

§ 91011. Statute of Limitations.

(a) No civil action alleging a violation in connection with a report or statement required by Chapter 4 (commencing with Section 84100) of this title shall be filed more than four years after an audit could begin as set forth in subdivision (c) of Section 90002.

(b) No civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), shall be filed more than four years after the date the violation occurred.

History: Amended by Stats. 1978, Ch. 1411; amended by Stats. 1980, Ch. 742; amended by Stats. 1997, Ch. 455, effective September 24, 1997.

§ 91012. Costs; Attorney Fees; Bond.

The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

§ 91013. Late Filing of Statement or Report; Fees.

(a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except

that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1977, Ch. 555; amended by Stats. 1985, Ch. 1200; amended by Stats. 1993, Ch. 1140.

References at the time of publication (see page 3):

Opinions: In re Rundstrom (1975) 1 FPPC Ops. 188
In re Layton (1975) 1 FPPC Ops. 113

§ 91013.5. Collection of Penalties.

In addition to any other available remedies, the commission or the filing officer may bring a civil action and obtain a judgment in small claims, municipal, or superior court, depending on the jurisdictional amount, for the purpose of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to this title. The venue for this action shall be in the county where the monetary penalties, fees, or civil penalties were imposed by the commission or the filing officer. In order to obtain a judgment in a proceeding under this section, the commission or filing officer shall show, following the procedures and rules of evidence as applied in ordinary civil actions, all of the following:

(a) That the monetary penalties, fees, or civil penalties were imposed following the procedures set forth in this title and implementing regulations.

(b) That the defendant or defendants in the action were notified, by actual or constructive notice, of the imposition of the monetary penalties, fees, or civil penalties.

(c) That a demand for payment has been made by the commission or the filing officer and full payment has not been received.

History: Added by Stats. 1984, Ch. 670.

§ 91014. Applicability of Other State Law.

Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

§ 91015. Liability for Violations; Criminal and Civil.

The provisions of this chapter shall not apply to violations of Section 83116.5.

History: Added by Stats. 1984, Ch. 670.

